

# **EXHIBIT 32**

author of *State Court Class Actions: Trends and Issues*, in National Institute on Class-Actions, C-1 (ABA CLE 1999).

Mr. Devore is admitted to practice in the District of Columbia and the Commonwealth of Virginia.



**COHEN MILSTEIN**

**Firm Resume**

## Cohen Milstein Sellers & Toll PLLC

For decades, Cohen Milstein Sellers & Toll PLLC has represented individuals, small businesses, institutional investors, and employees in many of the major class action cases litigated in the United States for violations of the antitrust, securities, consumer protection, civil rights/discrimination, environmental, ERISA and human rights laws. Cohen Milstein is also at the forefront of numerous innovative legal actions that are expanding the quality and availability of legal recourse for aggrieved individuals and businesses both domestic and international. Over its history, Cohen Milstein has obtained many landmark judgments and settlements for individuals and businesses in the United States and abroad. The firm's most significant past and present cases include:

- In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.). Cohen Milstein served as co-lead counsel for two certified classes of businesses that directly purchased bulk vitamins and were overcharged as a result of a ten year global price-fixing and market allocation conspiracy. Chief Judge Hogan approved four major settlements between certain vitamin defendants and Class Plaintiffs, including a landmark partial settlement of \$1.1 billion. In a later trial before Chief Judge Hogan concerning four Class Plaintiffs' remaining unsettled Vitamin B4 (choline chloride) claims, a federal jury in Washington unanimously found Japan's second largest trading company, Mitsui & Co., Ltd., its wholly-owned U.S. subsidiary Mitsui & Co. (U.S.A.), Inc., DuCoa, LP, a choline chloride manufacturer based in Highland, Illinois, and DuCoa's general partner, DCV, Inc. liable for participating in the conspiracy and ordered them to pay \$49,539,234, which is trebled to \$148,617,702 under the federal antitrust laws. The case was subsequently settled against those defendants.

- Dukes v. Wal-Mart Stores, Inc., No. C-01-2252 (N.D. Cal.). Cohen Milstein is one of the co-lead counsel in this discrimination case. In June 2004, U.S. District Court Judge Martin Jenkins ruled that six current and former Wal-Mart employees from California may represent all female employees of Wal-Mart who worked at its U.S. stores anytime after December 26, 1998 in a nationwide sex discrimination class action lawsuit (appeal pending). As the largest civil rights class action ever certified against a private employer, the Judge described the case as "historic in nature, dwarfing other employment discrimination cases that came before it." The action charges that Wal-Mart discriminates against its female retail employees in pay and promotions. The class in this case includes more than 1.5 million current and former female employees of Wal-Mart retail stores in America, including Wal-Mart discount stores, super centers, neighborhood stores, and Sam's Clubs. In April 2010, the U.S. Court of Appeals for the Ninth Circuit ruled that hundreds of thousands of female Wal-Mart current and former employees who have worked at Wal-Mart stores at any time since June 2001 are entitled to proceed with a massive class action lawsuit charging sex discrimination by America's largest retailer.

- In re Parmalat Securities Litigation, No. 04 MD 1653 (S.D.N.Y.). In this ongoing litigation, Cohen Milstein has successfully negotiated two partial settlements totaling approximately \$90 million. At the second partial settlement hearing, Judge Lewis A. Kaplan remarked that plaintiffs counsel "did a wonderful job here for the class and were in all respects totally professional and totally prepared. I wish I had counsel this good in front of me in every case." Our clients, four large European institutional investors, were appointed as co-lead plaintiffs and we were appointed as co-lead counsel. Most notably, this case allowed us the opportunity to demonstrate our expertise in the bankruptcy area. During the litigation, the

company subsequently emerged from bankruptcy and we added “New Parmalat” as a defendant because of the egregious fraud committed by the now-bankrupt old Parmalat. New Parmalat strenuously objected and Judge Kaplan of the Southern District of New York ruled in the class plaintiffs’ favor, a ruling which was affirmed on appeal. This innovative approach of adding New Parmalat enabled the class to obtain an important additional source of compensation, as we subsequently settled with New Parmalat.

- Keepseagle v. Vilsack, Civil Action No. 1:99CV03119 (D.D.C.). A class of Native American farmers and ranchers allege that they have been systematically denied the same opportunities to obtain farm loans and loan servicing that have been routinely afforded white farmers by the USDA. A class was certified in 2001 by Judge Emmet Sullivan, District Judge for the U.S. District Court for the District of Columbia, and the D.C. Circuit declined USDA's request to review that decision. On October 19, 2010, the case reached a historic settlement, with the USDA agreeing to pay \$680 million in damages to thousands of Native American farmers and ranchers and forgive up to \$80 million worth of outstanding farm loan debt.

- In re Lucent Technologies Securities Litigation, Civ. Action No. 00-621 (JAP) (D.N.J.). A settlement in this massive securities fraud class action was reached in late March 2003. The class portion of the settlement amounts to over \$500 million in cash, stock and warrants and ranks as the second largest securities class action settlement ever completed. Cohen Milstein represented one of the co-lead plaintiffs in this action, a private mutual fund.

- Nate Pease, et al. v. Jasper Wyman & Son, Inc., et al., Civil Action No. 00-015 (Knox County Superior Court, Me.). In 2004, a state court jury from Maine found three blueberry processing companies liable for participating in a four-year price-fixing and non-solicitation conspiracy that artificially lowered the prices defendants paid to approximately 800 growers for wild blueberries. The jury ordered defendants Cherryfield Foods, Inc., Jasper Wyman & Son, Inc., and Allen’s Blueberry Freezer, Inc. to pay \$18.68 million in damages, the amount which the growers would have been paid absent the defendants’ conspiracy. After a mandatory trebling of this damage figure under Maine antitrust law, the total amount of the verdict for the plaintiffs is just over \$56 million. The Firm served as co-lead counsel.

- In re StarLink Corn Products, Liability Litigation, MDL No. 1403. (N.D. Ill.). Cohen Milstein successfully represented U.S. corn farmers in a national class action against Aventis CropScience USA Holding and Garst Seed Company, the manufacturer and primary distributor of StarLink corn seeds. StarLink is a genetically modified corn variety that the United States government permitted for sale as animal feed and for industrial purposes, but never approved for human consumption. However, StarLink was found in corn products sold in grocery stores across the country and was traced to widespread contamination of the U.S. commodity corn supply. The Firm, as co-lead counsel, achieved a final settlement providing more than \$110 million for U.S. corn farmers, which was approved by a federal district court in April 2003. This settlement was the first successful resolution of tort claims brought by farmers against the manufacturers of genetically modified seeds.

- In re Diet Drug Litigation (Fen-Phen), MDL No. 1203 (E.D. Pa.). As a member of the Plaintiffs’ Management Committee and Sub-Class Counsel, Cohen Milstein played a major part in the success of the Fen-Phen diet drug litigation and settlement (*In re: Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation*, MDL 1203). Cohen Milstein and other plaintiffs’ counsel achieved the largest settlement ever obtained in a

mass tort case - \$3.75 billion – on behalf of millions of U.S. consumers who used Pondimin (fenfluramine) or Redux (dexfenfluramine), either alone or in combination with phentermine, diet drugs that are associated with heart valve damage.

- Snyder v. Nationwide Mutual Insurance Company, No. 97/0633 (Sup. Ct. N.Y. Onondaga Cty.). Cohen Milstein served as one of plaintiffs' principal counsel in this case on behalf of persons who held life insurance policies issued by Nationwide through its captive agency force. The action alleged consumer fraud and misrepresentations. Plaintiffs obtained a settlement valued at more than \$85 million. The judge praised the efforts of Cohen Milstein and its co-counsel for having done "a very, very good job for all the people." He complimented "not only the manner" in which the result was arrived at, but also the "time ... in which it was done."

- Oncology & Radiation Associates, P.A. v. Bristol Myers Squibb Co., et al., No. 1:01CV02313 (D.D.C.). Cohen Milstein has been co-lead counsel in this case since its inception in 2001. Plaintiffs alleged that Bristol-Myers Squibb unlawfully monopolized the United States market for paclitaxel, a cancer drug discovered and developed by the United States government, which Bristol sells under the brand name Taxol. Bristol's scheme included a conspiracy with American BioScience, Inc., a generic manufacturer, to block generic competition. Cohen Milstein's investigation and prosecution of this litigation on behalf of direct purchasers of Taxol led to a settlement of \$65,815,000 that was finally approved by U.S. District Judge Emmet G. Sullivan on August 14, 2003 and preceded numerous Taxol-related litigations brought by the Federal Trade Commission and State Attorneys General offices.

- Kruman v. Christie's International PLC, et al., Docket No. 01-7309. A \$40 million settlement on behalf of all persons who bought or sold items through Christie's or Sotheby's auction houses in non-internet actions was approved in this action. Cohen Milstein served as one of three leading counsel on behalf of foreign plaintiffs. The Court noted that approval of the settlement was particularly appropriate, given the significant obstacles that faced plaintiffs and plaintiffs' counsel in the litigation. The settlement marked the first time that claims on behalf of foreign plaintiffs under U.S. antitrust laws have been resolved in a U.S. court, a milestone in U.S. antitrust jurisprudence.

- In re Infant Formula Consumer Antitrust Litigation (multiple state courts). Cohen Milstein instituted price-fixing cases on behalf of indirect-purchasers in 17 states under state antitrust laws against three companies who conspired to drive up the price of infant formula. The cases resulted in settlements of \$64 million for purchasers of infant formula.

- Domestic Air Transportation Antitrust Litigation (N.D. Ga.) Plaintiffs alleged a conspiracy among major airlines to set prices. In one of the largest consumer class actions ever brought to a successful conclusion, Cohen Milstein was one of the lead counsel and obtained a settlement of travel discounts and cash totaling \$458 million for the class of individuals and businesses.

- In re The Exxon Valdez Litigation, No. A89-095 Civ. (D. Ak.). The firm was selected from dozens of law firms around the country by federal and state judges in Alaska to serve as co-lead counsel for plaintiffs in the largest environmental case in United States history that resulted in a jury verdict of more than \$5 billion (reversed and remanded for revised punitive damages award; further proceedings pending).

- Holocaust Litigation. In the historic Swiss Banks litigation, Cohen Milstein served, *pro bono*, as co-lead counsel for Holocaust survivors against the Swiss banks that collaborated with the Nazi regime during World War II by laundering stolen funds, jewelry and art treasures. Cohen Milstein obtained a \$1.25 billion settlement, leading the presiding judge to call the firm's work "indispensable." See *In re Holocaust Victim Assets Litig.*, Case No. CV 96-4849 (ERK) (MDG) (Memorandum of Chief Judge Korman dated July 26, 2002). The Firm was also a lead counsel in litigation by survivors of World War II-era forced and slave labor in litigation against the German companies that profited from using the labor of concentration camp inmates. This litigation, which resulted in an unprecedented settlement of \$5.2 billion, was resolved by multinational negotiations involving the defendants, plaintiffs' counsel, and the governments of several countries for approximately two million claimants.

Cohen Milstein has contributed over 37,000 hours of time to human rights and *pro bono* cases since 1996. As an example, the Firm represented eight survivors and/or families of the victims of the September 11, 2001 attack on the Pentagon before the Federal compensation fund. Cohen Milstein has obtained a substantial recovery for each, including the highest recovery to date, \$6.8 million, for an injured individual.

- Roberts v. Texaco, Inc., 94-Civ. 2015 (S.D.N.Y.). Cohen Milstein represented a class of African-American employees in this landmark litigation that resulted in the then-largest race discrimination settlement in history (\$176 million in cash, salary increases and equitable relief). The Court hailed the work of class counsel for, *inter alia*, "framing an imaginative settlement, that may well have important ameliorative impact not only at Texaco but in the corporate context as a whole ...".

- Conanan v. Tanoue, No. 00-CV-3091 (ESH). Cohen Milstein represented African-American employees at the Federal Deposit Insurance Corporation (FDIC) in this race discrimination suit, which settled for \$14 million. The settlement provides the largest payment made in an employment discrimination class action based on race against a federal agency.

- Trotter v. Perdue Farms, Inc., Case No. 99-893 (RRM) (JJF) (MPT), D. Del. This suit on behalf of hourly workers at Perdue's chicken processing facilities – which employ approximately 15,000 people – forced Perdue to pay employees for time spent "donning and doffing," that is, obtaining, putting on, sanitizing and removing protective equipment that they must use both for their own safety and to comply with USDA regulations for the safety of the food supply. The suit alleged that Perdue's practice of not counting donning and doffing time as hours worked violated the Fair Labor Standards Act and state law. In a separate settlement with the Department of Labor, Perdue agreed to change its pay practices. In addition, Perdue is required to issue retroactive credit under one of its retirement plans for "donning and doffing" work if the credit would improve employees' or former employees' eligibility for pension benefits. Cohen Milstein was co-lead counsel.

In addition, Cohen Milstein is an innovator in new areas of the law. Cohen Milstein was in the forefront of filing antitrust claims on behalf of indirect purchasers in 1993 and 1994, when it filed state-court actions in 18 states on behalf of indirect purchasers of infant formula. This was the first effort to systematically and simultaneously pursue treble damages claims on behalf of indirect-purchasing consumers in all states where antitrust laws permitted such claims. This approach, and variations of it, has since become the accepted model for pursuing antitrust damages on behalf of indirect-purchasing consumers. The Firm also has been in the forefront of the development of

international antitrust theory and litigation of claims. As the global economy has produced worldwide conglomerates, so, too, has the nature of antitrust violations changed. For example, in *Kruman v. Christie's International PLC, et al.* Docket No. 01-7309 and *In re Bulk Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.), both the parties and the anticompetitive actions were played out on a world, rather than domestic, stage. The firm also represents and won Lead Plaintiff status for domestic and foreign investors in a foreign company's bonds, in a PSLRA litigation being pursued in the United States, *In re Parmalat Securities Litigation*, Master Docket 04 Civ 0030 (LAK) (S.D.N.Y.).

Cohen Milstein has also served as lead or co-lead counsel, or on Plaintiffs' Executive Committee(s), in many dozens of antitrust, securities, consumer protection or product liability, civil rights, and human rights class action cases.

### **Awards & Recognition**

In 2010, Partner Joseph Sellers was selected as one of "**The Decade's Most Influential Lawyers**" by *The National Law Journal*.

In 2010, Partner Steven J. Toll was named one of Law360's "**Most Admired Attorneys**".

In 2010, Partner Linda Singer was selected as one of "**Washington's Most Influential Women Lawyers**" by *The National Law Journal*.

In 2010, Partner Agnieszka Fryszman was selected as a finalist for the **Trial Lawyer of the Year Award** from the Public Justice Foundation.

In 2010, Partners Joseph Sellers and Agnieszka Fryszman were both selected as one of the **Lawdragon 500 Leading Lawyers in America**.

In 2010, Cohen Milstein was once again ranked as a **Leading Plaintiff Class Action Antitrust Firm in the United States** by the Legal 500

In 2010, Partner Joseph Sellers was selected as a **Washington DC Super Lawyer**. Mr. Sellers was also selected for this prestigious award in 2007, 2008 and 2009.

In 2010, Partner Steven Toll was selected as a **Washington DC Super Lawyer**. Mr. Toll was also selected for this prestigious award in 2007 and 2009.

In 2010, Partner Andrew Friedman was selected as a **Washington DC Super Lawyer**.

In 2010, Partner Carol V. Gilden was selected as an **Illinois Super Lawyer**. Ms. Gilden was also selected for this prestigious award in 2005, 2006, 2007, 2008 and 2009.

In 2009, Partner Steven Toll was named a **Top Attorney in Corporate Litigation for Securities Litigation** by Super Lawyers.

In 2009, Partners Joseph Sellers and Christine Webber were named as **Top Washington Lawyers** by the Washingtonian Magazine.

In 2009, Cohen Milstein was recognized as **one of the top 50 law offices in Washington D.C. for diversity efforts**.

In 2009, Cohen Milstein was nominated for the prestigious **Class Action Law Firm of the Year** award by Global Pensions magazine for the third year in a row.

Cohen Milstein ranked as a **2009 Leading Plaintiff Class Action Antitrust Firm in the United States** by *The Legal500*.

The **2008 SCAS Report on Total Securities Class Action Settlements** ranked Cohen Milstein as a top firm for the second year in a row

In 2008, Cohen Milstein was nominated for the prestigious **Class Action Law Firm of the Year** award by Global Pensions magazine for the second year in a row.

In 2008, Managing Partner Steven J. Toll was named one of LawDragon's **100 Lawyers You Need to Know in Securities Litigation**.

In 2008, Steven J. Toll and Joseph M. Sellers were both named as one of Lawdragon's "**500 Leading Lawyers in America**."

**500 Leading Plaintiffs' Lawyers in America**

Lawdragon  
January-February, 2007

**Top Antitrust Plaintiffs' Firm**

Competition Law 360  
February 14, 2007  
Cohen Milstein named #1

Joseph Sellers has been selected by his peers to be included in the upcoming 2007 edition of **The Best Lawyers in America®** in the specialty of Civil Rights Law.

**Beacon of Justice Award**

From the National Legal Aid and Defender Association  
Summer 2007  
For Cohen Milstein's work on the Guantanamo cases.

**Fierce Sister Award**

Summer 2007  
For Cohen Milstein's work on the comfort woman case.

**The Plaintiffs' Hotlist**

The National Law Journal  
October 9, 2006

**Runner up for Matter of the Year**

Global Competition Review  
February, 2005  
On Empagran matter, praised for ingenuity in how the case was prosecuted

Attorney Profiles -- Partners

**Herbert E. Milstein**

Herbert E. Milstein began practicing law with Jerry S. Cohen in 1970 – the birth of the Firm. Mr. Milstein has been lead or principal counsel in many of the best known securities class actions litigated during the past 40 years. He is the senior member of the Securities Fraud/Investor Protection practice group.

Mr. Milstein is the author of numerous articles on topics involving class action litigations and the Federal securities laws. He recently authored an article on current issues involving federal securities laws. He also wrote a separate article in the book entitled *The Burger Years*. He is the author of a monograph on the attorney-client privilege.

As an adjunct Professor of Law at Georgetown University Law Center from 1980-1987, he taught complex litigation and continues to lecture on securities litigation and class actions at law schools and seminars sponsored by the American Bar Association, state bar associations, and continuing legal education organizations. In 1985, he received a Silver Gavel award from the American Bar Association for his distinguished example of public service.

Mr. Milstein formerly served on the staff of the Securities and Exchange Commission for five and one-half years, and last held the position of Chief Enforcement Attorney, Division of Corporate Regulation. From 1976-1980, Mr. Milstein served as Equity Receiver for National American Life Insurance Company, appointed by Judge Charles R. Richey, in *SEC v. National Pacific Corp.* For that work, the Chairman of the SEC said Mr. Milstein and the Firm served “with distinction.”

Formerly the President of the National Association of Securities and Commercial Law Attorneys (NASCAT), he also served as Treasurer of that organization for six years. He is a member of the American Law Institute, and a member and former Chairman of the Executive Council of the Securities Law Committee of the Federal Bar Association.

Mr. Milstein is currently on the Board of Directors of several organizations, including The Studio Theatre of Washington, DC.

Mr. Milstein graduated from Harvard College (*cum laude*, 1958) and Columbia University School of Law (LL.B., 1961).

Mr. Milstein is admitted to practice in the District of Columbia and Massachusetts.

**Steven J. Toll**

Steven J. Toll joined the Firm in 1979 and has been lead or principal counsel in some of the most highly publicized stock fraud cases over the past 28 years. He has been Managing Partner of the Firm since 1997 and is co-chair of the Securities Fraud/Investor Protection practice group. Mr. Toll was profiled in the February 1996 *Washington Business Journal* as one of five attorneys that stand out as the “cream of the crop” in the Washington D.C. legal community. *Lawdragon* named him as one of the 500 Leading Lawyers in America in 2006-07-08, as well as naming him one of the 100 Lawyers You Need to Know in Securities Litigation in 2008. In 2010, Mr. Toll was named to *Law360's* “Most Admired Attorneys”.

In July 2005, Mr. Toll was lead trial counsel in one of the few securities class actions to go to trial involving Globalstar, a satellite manufacturer. Mr. Toll successfully argued the motions before and during trial and ultimately achieved a settlement of \$20 million shortly before the case was scheduled to go to the jury. In approving the settlement, U.S. District Judge Kevin Castel remarked that Mr. Toll and his colleagues had “done a terrific job in presenting the case for the plaintiffs.”

Some of Mr. Toll’s other notable cases include those against Lucent Technologies, which was settled in 2001 for approximately \$575 million, at the time, the second largest securities class action settlement ever achieved; *Converium*, where he negotiated a global settlement in the U.S. courts and the courts in Amsterdam of \$135 million; *Southmark Securities Litigation*, where he helped achieve a settlement of \$70 million from the company’s auditors, Drexel Burnham and Michael Milken; *Norman v. Salomon Smith Barney*, where he negotiated a \$50 million settlement on behalf of customers of Salomon’s Guided Portfolio Management Program, who alleged that Salomon invested their money in companies in order to boost Salomon’s investment banking business.

Mr. Toll also served as co-lead counsel in one of the most publicized frauds of the 1990s -- Cascade International (S.D. Fla.) where the mastermind of the fraud, Victor Incendy, is still a fugitive from justice. The case settled on the eve of trial against Raymond James Inc. -- the only securities class action ever successfully litigated against a brokerage firm for its role as a research analyst.

He is currently leading the Firm’s team serving as co-lead counsel in one of the most highly publicized fraud cases of this era, the securities fraud class action involving Parmalat, the Italian dairy manufacturer; the case is known as Europe’s “Enron,” because of the similarities of the fraudulent schemes and the non-existence of billions of dollars of assets that had been recorded on Parmalat’s financial statements. He is also co-lead counsel in a major securities fraud action against the Royal Bank of Scotland, who in early 2009 announced the largest loss in British corporate history of over \$30 billion.

He has written for and spoken at various conferences about securities law and corporate governance issues, including, *inter alia*, *The Plaintiffs’ Perspective, Securities Regulation and the New Law*, National Legal Center for the Public Interest, No. 1, Sept. 1996; *The Sarbanes-Oxley Bill Provides No Assistance To Investors Seeking To Recovery From Corporate Fraud*, ABA Annual Meeting, August 2002; and *The Analyst Cases Involving Merrill Lynch, and Its Internet Analyst Henry Blodget, and Salomon Smith Barney and Its Telecommunications Analyst Jack Grubman*, Mass Torts Made Perfect (presented January 2003); *Coming to Terms with Loss Causation after Dura: A Response to Professors Portnoy, Ferrell, and Saha*, Journal of Corporation Law (publication pending).

Mr. Toll is an honors graduate of the Wharton School of the University of Pennsylvania (B.S., Accounting, *cum laude*, 1972). He graduated from Georgetown University Law Center (J.D., 1975) where he was Special Project Editor of the Tax Lawyer.

Mr. Toll is admitted to practice in Virginia and the District of Columbia.

#### **Joseph M. Sellers**

Joseph Sellers, a Partner at the Firm and head of the Civil Rights & Employment practice group, joined Cohen Milstein in 1997.

Mr. Sellers has represented victims of discrimination and other illegal employment practices individually and through class actions. He has tried several civil rights class actions to judgment before juries and has argued more than 25 appeals in the federal and state appellate courts, including the United States Supreme Court. He has served as class counsel, and typically lead counsel, in more than 30 civil rights and employment class actions.

Those cases have included: *Beck v. Boeing Company* (W.D. Wash.), which included a class of more than 28,000 women employees at Boeing facilities in Washington state alleging sex discrimination in pay and overtime decisions; *Conway, et al. v. Deutsch* (E.D. Va.), for a class of all female undercover case officers at the CIA alleging sex discrimination in promotions and job assignments; *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), where the Court has certified the largest class in such a case: more than 1.5 million women employees at Wal-Mart stores, alleging sex discrimination in promotions and pay decisions; *Johnson, et al. v. Freeh* (D.D.C.), for a class of African-American FBI special agents alleging racial discrimination in promotion and job assignments; *Keepseagle v. Veneman* (D.D.C.), for a class of Native American farmers and ranchers denied equal credit opportunities by USDA; *Neal v. Director, D.C. Dept. of Corrections* (D.D.C.), the first sexual harassment class action tried to a jury, for a class of women correctional employees and women and men subject to retaliation at the D.C. Department of Corrections; and *Trotter, et al. v. Perdue Farms* (D.Del.), for a company-wide collective action brought under the Fair Labor Standards Act for violations of federal wage and hour law.

Throughout his career, Mr. Sellers has also been active in legislative matters. He has testified more than 20 times before Committees of the United States Senate and House of Representatives on various civil rights and employment matters. He worked on the passage of the Civil Rights Act of 1991, the Americans with Disabilities Act of 1990, and the Lily Ledbetter Fair Pay Restoration Act of 2009.

Mr. Sellers has trained lawyers at the U.S. Equal Employment Opportunity Commission and the U.S. Department of Justice on the trial of civil rights cases and has lectured extensively throughout the country on various civil rights and employment topics. He was an Adjunct Professor at the Washington College of Law at American University, where he taught Employment Discrimination law, and at the Georgetown University Law Center, where he taught a course on Professional Responsibility.

He served on the Clinton/Gore Transition Team in 1992 and 1993. He headed the teams reviewing the operations of the EEOC, the Office of the Assistant Attorney General for Civil Rights, and various sections of the Civil Rights Division of the Department of Justice. He also served as a Co-Chair of the Task Force of the D.C. Circuit on Gender, Race and Ethnic Bias and was appointed by panels of the D.C. Circuit Court of Appeals and the U.S. District Court for the District of Columbia.

At the request of the Ford Foundation and the American Bar Association, Mr. Sellers delivered a series of lectures and designed and delivered a mock trial on civil rights law to Chinese judges, lawyers and other government officials in China.

Mr. Sellers has been recognized as one of the top lawyers in Washington and as one of the top 10 plaintiffs' employment lawyers in the country. In 2010, he was recognized as one of "The Decade's Most Influential Lawyers" by *The National Law Journal*. He is a professionally-trained mediator and has served as the President of the Washington Council of Lawyers.

Prior to joining Cohen Milstein, Mr. Sellers served as head of the Employment Discrimination Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs for over 15 years.

Mr. Sellers received a J.D. from Case Western Reserve School of Law (1979), where he served as Research Editor of the *Case Western Reserve Law Review*, and a B.A. in American History and Literature from Brown University (1975).

Mr. Sellers is admitted to practice in the District of Columbia.

#### **Lisa M. Mezzetti**

Lisa Mezzetti, a Partner at Cohen Milstein, joined the Firm in 1984, and is a member of the Securities Fraud/Investor Protection and the Consumer Protection & Unsafe Products practice groups.

In her securities work, Ms. Mezzetti has represented the corporate plaintiff in a private litigation alleging damages from the purchase of a healthcare technology company; in a separate matter, she represented 1,900 plaintiffs in a series of 25 federal court suits concerning municipal bonds. Her shareholder class actions include *In re VeriSign Securities Litigation* (settled for approximately \$78 million); *Murphy, Derivatively On Behalf of Nominal Defendant National Health Laboratories Inc. v. Perelman* (Cal. Super. San Diego Cty.) (global settlement of class and derivative litigations for total of \$65 million); *Flecker v. Hollywood Entertainment Corp.* (D. Or.) (\$15 million settlement, reached the day before trial was to begin); *Biben v. Card* (W.D. Mo.) (93% of class members' damages recovered in settlement) and, currently, *In re Parmalat Securities Litigation* (S.D.N.Y.), which is litigating one of the alleged largest corporate frauds in European history (thus far, settlements totaling approximately \$85 million). She also has represented parties in securities arbitrations (both as claimant's counsel or defense counsel for the broker) and defended clients in investigations and enforcement actions of the Securities and Exchange Commission.

In consumer cases, Ms. Mezzetti is or was one of the lead counsel in *In re Lupron Marketing and Sales Practices Litigation* (D. Mass.) (brought against pharmaceutical companies on pricing policies and methods; combined \$150 million settlement); *Howard v. Ford Motor Co.* (Cal. Sup. Ct.) (order of the Court on equitable count required prospective recall of 1.7 million cars; settled immediately before scheduled second jury trial); and *Fischl v. Direct Merchants Credit Card Bank, N.A.* (Henn. Cnty. Minn.) (brought by credit card consumers, alleging improper charges and payment processes; settlement included credits for overpayments and changes in business practices). She has litigated class actions under the ERISA laws, and brought one of the first class actions filed under the federal Family and Medical Leave Act.

Ms. Mezzetti is a public arbitrator for FINRA (the Financial Industry Regulatory Authority), hearing disputes between customers and brokers. She regularly speaks at legal education seminars and has been quoted in the media on issues concerning both consumer law and securities class actions. On securities issues, she has spoken on foreign class actions and the protection of foreign shareholders in U.S. class actions, and on settlement concerns. She also speaks on corporate governance issues at conferences of institutional investors, and was a guest panelist on a Washington, D.C. cable television show concerning hiring and working with stock brokers and financial advisors. On consumer issues, Ms. Mezzetti has been a panelist at the Federal Trade Commission's Workshop on Consumer Class Actions and at an annual conference of the Association of Trial Lawyers of America on unfair trade practices and deceptive trade practices statutes. The transcript of the FTC workshop, and her related article, *The Coupon Can Be the Ticket: The Use of "Coupon" and Other Non-Monetary Redress in*

*Class Action Settlements* (co-authored with Whitney Case) are published at 18.4 Geo. J. Legal Ethics 1431 (2005).

Before joining Cohen Milstein, Ms. Mezzetti was a litigation associate of Shea & Gould of New York City.

Ms. Mezzetti serves as a member of the Boards of Directors of The International Alliance for Women (a global umbrella organization that unites, supports and promotes professional women and their networks) and The Financial Women's Association of New York. She has served on the D.C. Advisory Board of The Joffrey Ballet of Chicago.

Ms. Mezzetti graduated from the Columbus School of Law, Catholic University of America in 1980, where she served as a Vice-Chancellor of the Moot Court Board. In 1986, she received a Master of Laws degree, with a specialty in Securities Regulation, from Georgetown University Law Center. Her bachelor's degree was awarded by Stonehill College (B.A, English., *magna cum laude*, 1977).

Ms. Mezzetti is admitted to practice in the District of Columbia and New York.

#### **Andrew N. Friedman**

Andrew Friedman, a Partner at the Firm, joined Cohen Milstein in 1985. He is a member of the Securities Fraud/Investor Protection practice group and the head of the Consumer Protection & Unsafe Products practice group.

Mr. Friedman has been involved in many successful securities class actions. In July, 2005, Mr. Friedman served as one of lead trial counsel at the trial of a certified class action in *In re Globalstar Securities Litigation* in the United States District court for the Southern District of New York. Near the end of the second week of trial, a cash settlement of \$20 million was reached for the benefit of the certified class. The settlement was approved by Judge P. Kevin Castel, who was highly complimentary of counsel: "This case has been litigated by top trial lawyers, each of whom, as to both lead counsel and the other counsel in the case, have been exceptionally fine in their presentation of the evidence. Mr. Toll, Mr. Friedman, Mr. Shalov, their colleagues Mr. Devore, Ms. Peterson, have all done a terrific job in presenting the case for the plaintiffs."

In addition, Mr. Friedman served as one of co-lead or principal counsel in *Norman Frank et al. v. David L. Paul* (recovery of over \$18 million); *In re Jiffy Lube Securities Litigation* (D. Md.) (recovery of over \$12 million); and *In re Immunex Securities Litigation* (W.D.Wash.) (recovery of \$14 million, then the largest securities class action settlement in Seattle). Mr. Friedman was one of the Firm's attorneys selected by the County of Cuyahoga, Ohio to prosecute a lawsuit that sought to recover losses from the County's Secured Assets Fund Earnings Program (S.A.F.E.). The lawsuit alleged that broker/dealers and a financial institution assisted the County in engaging in unsuitable and inappropriate investments and trading activity. The case settled favorably for \$9.5 million.

In the consumer protection area, Mr. Friedman has been instrumental in securing significant recoveries on behalf of thousands of consumers. He was one of the principal counsel in *Snyder v. Nationwide Mutual Insurance Company* (Sup. Ct., Onondaga Cnty, N.Y.), a class action that resulted in a settlement valued at between \$85 million and \$103 million. As one of two co-lead counsel in a class action against Thomson Consumer Electronics, Mr. Friedman reached a court-approved agreement that made up to \$100 million available for persons who paid for unreimbursed repairs to televisions. He

was also part of the plaintiffs' team that secured nationwide benefits for GM vehicle purchasers as the result of defective automobile engine coolants. *In re General Motors Dex-Cool Products Liability Litigation* (S.D. Ill).

Mr. Friedman has been a speaker on numerous panels for legal education seminars and institutional investor conferences on the issues of securities class actions, securities fraud monitoring, accounting fraud and corporate governance. He was featured in a November 15, 1997 Washington Post article about securities class actions and profiled in the April 14, 2000 edition of The Washington Business Journal. In 2007, LawDragon named Mr. Friedman as one of the 3,000 Leading Plaintiffs' Lawyers in America.

Prior to joining Cohen Milstein, Mr. Friedman served as an attorney with the U.S. Patent and Trademark Office.

Mr. Friedman graduated from Tufts University with a B.A. in Psychology (1980, *magna cum laude*, Phi Beta Kappa) and is a 1983 graduate of the National Law Center, George Washington University.

Mr. Friedman is admitted to practice in the District of Columbia and New York.

#### **Daniel S. Sommers**

Daniel Sommers, a Partner at the Firm, joined Cohen Milstein in 1988. He is co-chair of the Firm's Securities Fraud/Investor Protection practice group and is a member of the Firm's Executive Committee.

During his career at Cohen Milstein, Mr. Sommers served as lead or co-lead counsel or otherwise played a significant role in numerous securities fraud class actions in federal courts throughout the United States. Many of those cases resulted in multi-million dollar recoveries for individual and institutional investors. For example, these cases include: *Steiner v. Southmark Corporation* (N.D.Tex.) (over \$70 million recovery); *In re PictureTel Inc. Securities Litigation* (D.Mass.) (\$12 million recovery); *In re Physician Corporation of America Securities Litigation* (S.D. Fla.) (\$10.2 million recovery); *In re Gilat Satellite Securities Litigation* (E.D.N.Y.) (\$20 million recovery); *In re Pozen Inc. Securities Litigation* (M.D.N.C.) (\$11.2 million recovery); *In re Montoya v. Mamma.com* (\$3.25 million recovery); *In re Nextel Communications Securities Litigation* (D.N.J.) (up to \$27 million recovery); *In re PSINet Inc. Securities Litigation* (E.D. Va.) (\$17.8 million recovery); *In re Cascade International Inc. Securities Litigation*, (S.D. Fla.) (global recovery of approximately \$10 million); and *In re ECI Telecom Securities Ltd. Litigation* (E.D.Va.) (\$21.75 million recovery). He currently is actively involved in the prosecution of the *In re Fannie Mae Securities Litigation* (D.D.C).

Mr. Sommers is also experienced in non-class action litigation. He represented TBG Inc., a multi-billion dollar privately-held overseas corporation, in a multi-party, complex action alleging fraud in a corporate acquisition and represented individuals in connection with investigations brought by the United States Securities and Exchange Commission. He also has represented publicly traded corporations in the prosecution and defense of claims. Mr. Sommers has litigated cases covering a wide-range of industries including the financial services, computer software, pharmaceutical, insurance, real estate and telecommunications industries among others. He also has substantial experience in cases presenting complex accounting and auditing issues.

Mr. Sommers is a frequent commentator on the federal securities laws and corporate governance issues and addresses institutional investor groups and others on these topics as illustrated below:

- Guest panelist on "It's Your Business," a nationally syndicated television program, where he spoke on investor lawsuits.
- Panelist at the George Washington University Law School, where he spoke on the practice of law from the plaintiff's perspective.
- Addressed the California State Association of County Retirement Systems, to whom he spoke on corporate governance and fiduciary duties and liabilities.
- Spoke at a District of Columbia Bar Association program in 2005 where he addressed "Attorney Liability in the Post-Enron, Post Sarbanes-Oxley Era."
- Panelist at a 2006 presentation to Illinois-based institutional investors on the topic of "The Growing Emphasis on Fiduciary Responsibility: Implications For Illinois Pension Funds and the Emergence of Guiding Principles."
- Addressed the Professional Liability Underwriting Society in 2007 on the topic of "Global Companies, Global Risk: Exposure Arising Outside the U.S."
- Panelist at a 2008 District of Columbia Bar Association Program where he addressed "Developing Pleading Standards in Securities Cases."
- Spoke at a 2008 IQPC Forum on Subprime and Structured Finance Litigation on the topic of "Understanding the Plaintiff's View in the Subprime Crisis."
- Panelist at District of Columbia Bar Association Program in 2009 on "Public and Private Perspectives on the Enforcement of the Federal Securities Laws in our Global Markets."

In 2007, Mr. Sommers was appointed to serve as the chairman of the Investor Rights Committee of the Corporation, Finance and Securities Law Section of the District of Columbia Bar. In addition, he is a member of the Securities Litigation Committee of the American Bar Association and is a member of the National Association of Public Pension Attorneys.

He is a 1983 graduate of Union College, earning a B.A. in Political Science (magna cum laude), and a 1986 graduate of the George Washington University Law School. Mr. Sommers is admitted to practice in federal courts including the United States District Courts for the Districts of New Jersey, Maryland, Eastern District of Michigan and the District of Columbia as well as the United States Courts of Appeals for the District of Columbia, Fourth, Ninth, Tenth and Eleventh Circuits. Mr. Sommers is also admitted to practice before the Supreme Court of the United States.

Mr. Sommers is a member of the bar of the states of New York and New Jersey as well as the District of Columbia.

#### **Daniel A. Small**

Dan Small has been a partner at Cohen Milstein for over 14 years and has chaired the firm's antitrust practice group since 2008.

Mr. Small has represented plaintiff classes, often as lead counsel, in numerous antitrust cases over the last 21 years, and has recovered hundreds of millions of dollars. He has tried cases to verdict before juries and has argued cases in several appellate courts including the United States Supreme Court.

Among the cases on which Mr. Small has worked are: *In re Intel Corp. Microprocessor Antitrust Litig.* (D. Del.), where he serves as co-lead counsel on behalf of a putative class of purchasers of Intel-

powered PCs asserting monopolization claims; *Meijer, Inc. v. 3M* (E.D. Pa.), a monopolization case in which Mr. Small, as lead counsel, negotiated a \$30 million settlement on behalf of direct purchasers of transparent tape; *In re Buspirone Antitrust Litig.* (S.D.N.Y.), in which the plaintiff class alleged that Bristol Myers-Squibb Co. unlawfully excluded generic drug competition, and Mr. Small, as co-lead counsel, helped negotiate a \$90 million settlement; and *Pease v. Jasper Wyman & Son, et al.*, (Super. Ct., Knox Cty., Maine), a price-fixing class action on behalf of Maine wild blueberry growers in which Mr. Small successfully tried the case to a jury, obtaining a judgment of nearly \$60 million.

Mr. Small has substantial appellate experience, including briefing and arguing *Free v. Abbott Laboratories*, No. 99-391, in the United States Supreme Court. That case presented the issue of whether a supplemental jurisdiction statute overruled *Zahn v. International Paper Co.* The Court split 4-4, with Justice O'Connor recusing herself. Additionally, Mr. Small successfully briefed and argued appeals before the Seventh Circuit Court of Appeals in *In re Brand Name Prescription Drug Antitrust Litig.*, 123 F.3d 599 (7th Cir. 1997), regarding whether the district court had subject matter jurisdiction, and in *Paper Systems, Inc. v. Nippon Paper Industries Co., Ltd.* (7th Cir. 2002), arguing that the federal direct purchaser rule does not immunize a defendant from liability for the direct sales of its co-conspirators. Finally, he briefed and argued the appeal in *Mack v. Bristol-Myers Squibb Co.*, 1996-1 Trade Cas. (CCH) ¶¶ 71,401 (Fla. 1st DCA 1996), obtaining the first opinion construing the Florida Deceptive and Unfair Trade Practices Act to permit indirect purchasers to sue for damages for antitrust violations.

Mr. Small is a member of the Advisory Board of the American Antitrust Institute and he chairs the committee that selects the annual winner of the Jerry S. Cohen Memorial Writing Award for the best antitrust scholarship. He has been invited to speak on antitrust and class action topics at events organized by the American Bar Association, the District of Columbia Bar, the Conference Board, and the American Antitrust Institute, among others.

Mr. Small is a 1981 graduate of Colgate University, receiving a B.A. (*cum laude*) in History. He graduated from American University's Washington College of Law in 1986, and joined Cohen Milstein after serving as a law clerk to the Honorable Roger Vinson, United States District Court for the Northern District of Florida (1986-1988). Mr. Small is admitted to practice in Maryland and the District of Columbia.

#### **Marc I. Machiz**

Marc Machiz, a Partner at Cohen Milstein, joined the Firm in 2000 and is the head of the Employee Benefits (ERISA) practice group. He is the resident Partner of the Philadelphia office.

Mr. Machiz litigates ERISA class actions involving a range of benefits cases including inappropriate pension plan investments, the inappropriate investment in company stock by 401(k) plans, discharges to interfere with pension rights and illegal plan terminations including, among others, *Hans v. Tharaldson et al.* (D.N.D.) (purchase by ESOP of employer stock allegedly imprudently and for more than adequate consideration); *Mehling, et al. v. New York Life Insurance Co., et al.*, (E.D. Pa.) (investment in allegedly overpriced mutual funds proprietary to the sponsor) and *In re Williams Company ERISA Litigation* (N.D. Okla.) (investment by 401(k) plan in allegedly inflated company stock); *In re Dynegy ERISA Litigation* (S.D. Texas) (same); *Simpson v. Firemen's Fund Insurance Co.* (N.D. Cal.) (discharge of disabled employees allegedly to interfere with their attainment of health benefits); *Stoeffels v. SBC Communications, Inc.*, (S.D. Texas). (termination of retiree telephone concession alleged to be a pension plan); *Wagener v. SBC Communications Inc. Pension Plan*

(D.D.C.) (alleged failure to pay promised pension benefits); *Zhu v. Fujitsu*, N.D. Cal. (alleged vesting violation); *Banyai v. Mazur* (S.D.N.Y.) (alleged illegal transfer of fund assets). Mr. Machiz has submitted amicus curiae briefs to the Supreme Court and lower courts on behalf of the Pension Rights Center and the National Association of Insurance Commissioners. He consults with the AFL-CIO on state legislation to expand healthcare coverage so as to minimize the chance that such legislation will be held preempted, and he represents Fiduciary Counselors, Inc. in evaluating the adequacy of both ERISA and Securities settlements on behalf of plans participating in settlements with their plans sponsors and the officers of the plan sponsors, including evaluation of settlements in the Enron Securities litigation.

He joined the Plan Benefits Security Division ("PBS") of the Office of the Solicitor of Labor as a trial attorney in 1978, and was appointed Assistant Counsel for Fiduciary Litigation in 1982. At the start of 1984, he joined Beins, Axelrod and Osborne, P.C. practicing general labor and ERISA law on behalf of unions and multiemployer plans. In 1986 he returned to the Department of Labor as Counsel for General Litigation at PBS, and from 1988 to 2000 held the position of Associate Solicitor, heading the Division. As Associate Solicitor, Mr. Machiz was the Department of Labor's chief ERISA lawyer charged with responsibility for all enforcement litigation brought by the Secretary of Labor under the statute, which governs the vast majority of privately sponsored health, welfare and pension plans. He was also responsible for all legal advice under the statute provided to the Pension & Welfare Benefits Administration, which administers Title I of ERISA.

Mr. Machiz worked to institute the Department's innovative amicus program which aggressively advocated the Department's views throughout the judicial system on a wide range of ERISA issues ranging from the need to limit ERISA preemption of state worker and consumer protection laws to the need to strengthen participants' rights and remedies under the Act.

Mr. Machiz's expertise in ERISA has been recognized by his colleagues in the ERISA bar, who made him a Charter Fellow of the American College of Employee Benefits Counsel. Mr. Machiz is a frequent speaker on ERISA issues for the ABA, ALI-ABAPLI, and private seminars, and has served as plaintiffs' co-chair of a subcommittee of the Employees Benefits Committee of the ABA's Labor Section. He is also a member of the *BNA Pension and Benefits Reporter* Advisory Board.

Mr. Machiz has authored several articles including *Understanding DOL's New Class Exemption for the Release of Claims and Extensions of Credit in Connection with Litigation*, Pension & Benefits Reporter, Vol. 31, No. 2, January, 2004; and *ESOPS, ERISA, and Employer Stock: A Litigator's Approach*, ATLA Commercial Litigation Section Newsletter, Volume 7, Number 3 (Spring/Summer 2001).

He attended the University of Pennsylvania, where he earned a B.A. in History, and received his law degree from the University of California at Berkeley (Boalt Hall) in 1978.

Mr. Machiz is admitted to practice in the District of Columbia and Pennsylvania.

#### **Christine E. Webber**

Christine Webber, a Partner at the Firm and a member of the Civil Rights & Employment practice group, joined Cohen Milstein in 1997. She is the Partner in charge of the law clerk and summer associate program.

Ms. Webber represents plaintiffs in class action employment discrimination and Fair Labor Standards Act cases. Ms. Webber's current docket includes *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), a certified class action for over 1.6 million current and former female employees of Wal-Mart with complaints of discrimination in pay and promotion; *O'Connor v. BASF*, (N.J.), a certified class action alleging age discrimination by BASF in a series of RIF's; and *In re Tyson Foods FLSA MDL*, (M.D. Ga.), a collective action involving FLSA claims at over 40 Tyson chicken processing plants.

She represented plaintiffs in *Beck v. The Boeing Co.* (W.D. Wash.), a class action alleging sex discrimination in compensation and promotions which settled in 2004 for \$72.5 million. She was also lead counsel in *Hnot v. Willis* (S.D.N.Y.), representing a class of women at the vice-president level and above whose challenge to sex discrimination in compensation resulted in a settlement averaging \$50,000 per class member in 2008. She was counsel in *Trotter v. Perdue* (D. Del.), representing plaintiffs who were wrongly denied payment of overtime wages, and obtaining a \$10 million settlement.

In 2004 and 2007, Ms. Webber was named one of the Top Lawyers in Washington, D.C. by *Washingtonian Magazine* and was named one of the 2007 Washington, D.C. Superlawyers in the Civil Rights category.

Prior to joining Cohen Milstein, Ms. Webber received a Women's Law and Public Policy fellowship and worked for four years at the Washington Lawyers' Committee for Civil Rights and Urban Affairs in their Equal Employment Opportunity Project. She worked on a variety of employment discrimination cases, and focused in particular on the sexual harassment class action *Neal v. Director, D.C. Department of Corrections, et al.* Ms. Webber participated in the trial of this ground-breaking sexual harassment class action in 1995. Ms. Webber also tried the race discrimination case *Cooper v. Paychex* (E.D. Va.), and successfully defended the plaintiffs' verdict before the Fourth Circuit.

Ms. Webber is a member of the National Employment Lawyers' Association (NELA) and co-chair of their Class Action Committee. She is also co-chair of the Class Action Sub-committee of the D.C. Bar Labor and Employment Law Section. She speaks regularly at CLE programs on employment discrimination and class actions, including presentations for NELA.

She graduated from Harvard University with a B.A. in Government (*magna cum laude*, 1988) and the University of Michigan Law School (J.D., *magna cum laude*, 1991, Order of the Coif). Following law school, Ms. Webber clerked for the Honorable Hubert L. Will, United States District Judge for the Northern District of Illinois.

Ms. Webber is admitted to practice in Illinois and the District of Columbia.

#### **Richard A. Koffman**

Richard Koffman, a Partner at the Firm, joined Cohen Milstein in 2003 and is a member of the Antitrust practice group. He is also Chair of the Firm's Ethics Committee.

Mr. Koffman is currently serving as co-lead counsel for plaintiffs in, among other cases, *In re Urethane Antitrust Litigation* (D. Kan.), in which plaintiffs allege price-fixing of chemicals used in the manufacture of polyurethanes; *In re Endosurgical Products Antitrust Litigation* (C.D. Cal.), in which plaintiffs allege that defendants unlawfully monopolized the market for medical devices used in keyhole surgery; and *Coalition for Elders' Independence, Inc., et al. v. Biovail Corp., et al.* (Cal.

Super. Ct.), in which plaintiffs allege unlawful allocation of the market for branded and generic Nifedipine, a drug used to treat hypertension. Mr. Koffman also served as co-lead counsel for plaintiffs in *In re Rubber Chemicals Antitrust Litigation* (N.D. Cal.), which settled for a total of approximately \$320 million; and *In re Polyester Staple Antitrust Litigation* (W.D.N.C.), which settled for a total of \$46 million.

Mr. Koffman came to Cohen Milstein after four years with the Antitrust and Civil Rights Divisions of the United States Department of Justice. In the Antitrust Division, Mr. Koffman served as a Senior Trial Attorney with the Computers and Finance Section (now Networks and Technology), which is responsible for antitrust enforcement and competition policy in the areas of information technology, Internet-related businesses, financial services, and the securities industry. In the Civil Rights Division, he served as a Senior Trial Attorney with the Housing and Civil Enforcement Section, where he worked to enforce the Fair Housing Act, the Equal Credit Opportunity Act, the Religious Land Use and Institutionalized Persons Act, and Title II of the Civil Rights Act of 1964.

Prior to joining the Department of Justice, Mr. Koffman spent seven years in private practice, first with Fine, Kaplan and Black in Philadelphia (working primarily on antitrust class actions and other complex commercial litigation) and then with Bernabei & Katz in Washington, D.C. (handling employment discrimination cases). While at Fine Kaplan, Mr. Koffman was actively involved in litigating several successful antitrust class actions on behalf of plaintiffs and classes, including *In re Nasdaq Market-Makers Antitrust Litigation* (S.D.N.Y.) (settled for more than \$1 billion); *In re Polypropylene Carpet Antitrust Litigation* (N.D. Ga.); *In re Commercial Explosives Antitrust Litigation* (D. Utah); and *In re Drill Bits Antitrust Litigation* (S.D. Tex.). He was also co-counsel, along with John G. Roberts, Jr., who was then a Partner at Hogan & Hartson and is now Chief Justice of the United States Supreme Court, for Respondents in *First Options of Chicago, Inc. v. Kaplan*, 514 U.S. 938 (1995). In that case, argued by Mr. Roberts with Mr. Koffman assisting on the briefs, Mr. Koffman's clients won a unanimous ruling by the United States Supreme Court.

Immediately after law school, Mr. Koffman served as a judicial clerk for Judge James B. McMillan of the Western District of North Carolina, and for Judge Anthony J. Scirica of the United States Court of Appeals for the Third Circuit.

Mr. Koffman is a graduate of Yale Law School (J.D., 1990), where he was a Senior Editor of the *Yale Law Journal*, and Wesleyan University, from which he received a B.A., with honors, in English (1986).

Mr. Koffman is admitted to practice in the District of Columbia, the United States Supreme Court, and the United States Courts of Appeals for the Eighth and Tenth Circuits.

#### **Agnieszka M. Fryszman**

Agnieszka Fryszman, a Partner at the Firm, joined Cohen Milstein in 1998 and is a member of the International Human Rights and Antitrust practice groups.

She currently represents Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the defendant's security forces (a unit of the Indonesian military). For the past several years, she has represented the former "comfort women," women and girls who were forced into sexual slavery by the government of Japan during World War II. Her past successes include cases brought by survivors of Nazi-era forced and slave labor against the German

and Austrian companies that allegedly used and profited from slave labor, which were resolved by international negotiations that resulted in multi-billion dollar settlements.

In the Antitrust practice group, she represents small businesses that have been victims of alleged price-fixing in the polyester staple and rubber chemicals markets.

She has represented, *pro bono*, a number of victims of the September 11 attack on the Pentagon and obtained significant recoveries, including one of the highest awards for an injured survivor, from the Victim's Compensation Fund. She also represents, *pro bono*, individuals indefinitely detained without charge by the United States at Guantanamo Bay.

Before joining the Firm, Ms. Fryszman was Democratic counsel to the United States House of Representatives Committee on the Judiciary, Subcommittee on Commercial and Administrative Law. She also served as counsel to Representative Henry Waxman, Ranking Member on the House Government Reform and Oversight Committee.

In 2010, Ms. Fryszman was recognized as a "Leading Lawyer in America" by Lawdragon and was also selected as a finalist for the 2010 Trial Lawyer of the Year Award from the Public Justice Foundation.

Ms. Fryszman graduated from Brown University with a B.A. in International Relations and Georgetown University Law Center (J.D., *magna cum laude*, 1996, Order of the Coif), where she was a Public Interest Law Scholar.

Ms. Fryszman is admitted to practice in the District of Columbia and New Jersey.

#### **Julie Goldsmith Reiser**

Julie Goldsmith Reiser, a Partner at the Firm, joined Cohen Milstein in 1999. Ms. Reiser is a member of the Securities Fraud/Investor Protection and Civil Rights & Employment Practice Groups. Ms. Reiser has extensive experience with motion practice, developing and implementing discovery strategies, depositions, expert discovery and case resolution.

Ms. Reiser focuses much of her practice on enforcement of the federal securities laws on behalf of sophisticated domestic and international institutional investors. She has represented these investors in class action and individual "opt-out" securities litigation as well as in transaction-related litigation in Delaware Chancery Court.

Ms. Reiser currently works on several active securities fraud actions seeking to return to investors monies lost due to corporate fraud. She represents Massachusetts Pension Reserves Investment Management Board in a securities class action against the Royal Bank of Scotland and certain of its former officers, directors and investment bankers. She also acts as co-lead counsel representing investors in the largest fraud in European corporate history, *In re Parmalat Sec. Litig.* (S.D.N.Y.). In that case she represents Italian, French and Belgian institutions. She acted as co-lead counsel in *In re SCOR Holding (Switzerland) Securities Litigation* (S.D.N.Y.) and was a member of the team representing Pacific Life Insurance Company in an opt-out against WorldCom.

In the employment area, Ms. Reiser is a member of the legal team working on *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), the largest Title VII class action that has ever been certified, for current and former female employees of Wal-Mart with complaints of discrimination in pay and promotion. Ms.

Reiser also represents African American employees who claimed that Kroger discriminated against them in pay and promotions in *Wade v. Kroger* (W.D. Ky.). She was involved in the litigation and successful settlement of *Beck v. The Boeing Co.* (W. D. Wash.), which alleged sex discrimination in compensation and promotions and was successfully resolved for \$72.5 million.

Ms. Reiser co-authored *Opt-Outs: Making Private Enforcement of the Securities Laws Even Better*, featured in the Winter/Spring 2008 edition of the ABA's Class Action and Derivative Suit Committee Newsletter. She also co-authored *Companies in the Cross Hairs: When Plaintiffs Lawyers Choose Their Targets, They Look for These Employment Practices*, *The Legal Times*, February 21, 2005. In 1999, she co-authored *Antitrust Introduction for the General Practitioner*, a chapter in the Washington Lawyer's Practice Manual.

Prior to joining Cohen Milstein, Ms. Reiser worked in Seattle. She was President of the Board of Directors of Seattle Works and on the Executive Committee for the Board of Directors of the Eastside Domestic Violence Program. She also served a term as a Trustee for the Pacific Northwest Ballet. In 1997, Ms. Reiser worked as a Legal Intern for U.S. Senator Patty Murray.

Ms. Reiser graduated from Vassar College (B.A. with honors 1992) and the University of Virginia Law School (J.D. 1997). While in law school, she was a member of the Virginia Journal of Law and Social Policy.

Ms. Reiser is admitted to practice in Washington State and the District of Columbia.

#### **Victoria S. Nugent**

Victoria Nugent, a Partner at the Firm, joined Cohen Milstein in 2000 and is a member of the Consumer Protection & Unsafe Products practice group.

Ms. Nugent has focused on consumer protection and public health litigation throughout her career. Past cases include *In re StarLink Product Liability Litigation*, in which she represented farmers suing Aventis CropScience after an unapproved variety of genetically modified corn was detected in the U.S. corn supply and drove down prices for all U.S. corn exports. More than \$100 million was recovered for the class in a landmark settlement. She also represented car owners seeking to enforce product warranties for an extended life coolant in *In re General Motors Dex-Cool Products Liability Litigation*. The Dex-Cool litigation ended with a settlement under which General Motors reimbursed its customers for repairs. Ms. Nugent has argued cases before the high courts of Georgia, Nebraska and the District of Columbia, as well as the federal D.C. Circuit Court of Appeals.

Ms. Nugent is currently working on cases against Sallie Mae, alleging excessive interest and late fee charges on student loans, and Vonage, alleging deceptive business practices in advertising and administering promotional offers.

Before joining Cohen Milstein, Ms. Nugent worked for seven years at Public Citizen, a national consumer advocacy organization. During that time, she worked on many legislative and regulatory campaigns addressing issues that ranged from automobile safety to international trade policy. In 1998, Ms. Nugent received a two-year fellowship sponsored by the National Association for Public Interest Law (NAPIL). As a NAPIL Fellow, she worked at Trial Lawyers for Public Justice (TLPJ), where she

helped develop and prosecute impact litigation in the areas of arbitration, banking, credit and insurance.

Ms. Nugent received her undergraduate degree in History from Wesleyan University in 1991 and graduated from Georgetown University Law Center in 1998.

Ms. Nugent is admitted to practice in the District of Columbia and Maryland.

### **Benjamin D. Brown**

Benjamin Brown, a Partner at Cohen Milstein, joined the firm in 2005 and is a member of the Antitrust practice group. He has extensive experience leading complex litigation, particularly class actions.

In 2010, the Legal 500 recognized Mr. Brown as one of the nation's leading class action antitrust attorneys. Mr. Brown is a contributing author of the ABA's Antitrust Class Actions Handbook, and, since 2005, has served as a state editor for the ABA's Survey of State Class Action Law. He co-authored chapters on private antitrust recovery actions for the 2008 and 2010 Global Competition Review's Antitrust Review of the Americas. Most recently, Mr. Brown co-authored with fellow partner Douglas Richards a forthcoming article for the Rutgers Law Journal entitled, Predominance of Common Questions – Common Mistakes in Applying the Class Action Standard. He discussed joint civil and criminal investigations and litigation as a featured panelist on both the National Association of Criminal Defense Lawyers (NACDL) 2009 Summer CLE Program and the 2010 University of Texas Law School's Review of Litigation Symposium. Mr. Brown has been honored by the United States District Court for the District of Columbia for outstanding commitment in pro bono litigation. He has been a guest on CNBC's "Power Lunch" and has also been interviewed regarding antitrust class actions by various television affiliates and radio networks.

Mr. Brown currently serves as co-lead counsel or on steering committees for plaintiffs in, among other cases, *In re Aspartame Antitrust Litigation* (E.D. Pa.); *In re Plasma-Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.); *Allen, et al. v. Dairy Farmers of America, Inc.* (D. Vt.); *In Re Puerto Rican Cabotage Antitrust Litigation*. (S.D. Fla.); and *Carlin, et al. v. DairyAmerica, Inc.* (E.D. Ca.). He has served as class counsel in numerous other successful cases litigated across the country at all levels of federal appeals, helping to achieve over one hundred million dollars worth of recoveries on behalf of clients.

Mr. Brown came to Cohen Milstein after four years as a trial attorney with the Antitrust Division of the United States Department of Justice. While there, Mr. Brown led and assisted in numerous investigations, litigations and trials involving anticompetitive conduct and mergers. Mr. Brown also prosecuted criminal cases as a Special Assistant United States Attorney in the Eastern District of Virginia. Prior to joining the Department of Justice, he was in private practice with Covington & Burling in Washington, D.C., handling insurance coverage and antitrust litigation. Prior to entering private practice, Mr. Brown served as a judicial law clerk for Chief Judge Juan R. Torruella of the U.S. Court of Appeals for the First Circuit.

Mr. Brown graduated *cum laude* from Harvard Law School and Phi Beta Kappa from the University of Wisconsin – Madison.

Mr. Brown is admitted to practice in California and the District of Columbia.

### **Carol V. Gilden**

Carol Gilden, a Partner at Cohen Milstein, is a member of the Securities Fraud/Investor Protection practice group. She is the resident Partner at the Firm's Chicago office.

Ms. Gilden represents public pension funds, Taft-Hartley Benefit Funds, private pension funds and high net worth individuals.

Ms. Gilden has extensive experience in protecting the rights of investors, including five years of experience as an enforcement attorney in the Securities and Exchange Commission. Prior to joining Cohen Milstein, Ms. Gilden worked at the Chicago law firm of Much Shelist, where she was the head of the securities class action practice and the Vice Chair of the firm's Class Action Department.

Ms. Gilden has served as co-lead counsel in the Sears/Sears Acceptance Corp. Securities Litigation, Sara Lee Securities Litigation, 99 Cents Only Stores Securities Litigation, and the City of Chicago's case against on-line travel providers. Ms. Gilden also served on the Executive Committees of the Global Crossing Securities Litigation (settlements of \$448 million) and the Merrill Lynch & Co. Research Reports cases (\$125 million settlement). Among other notable cases, Ms. Gilden served as co-lead counsel in the ML Lee Securities Litigation and Smith Kline Litigation which settled for \$33 million and \$30 million respectively, as well as lead counsel in Pacha et. al. v. McKesson Corporation, et.al., a private action which settled for a confidential sum, and as liaison counsel and a litigation team member in the Waste Management Litigation, which settled for \$220 million. Under her leadership, the firm also served as active members of the litigation teams in the AOL Time Warner Securities Litigation (\$2.5 billion settlement) and Salomon Analyst Litigation/In re AT&T (\$75 million settlement).

In addition to her work on behalf of clients, Ms. Gilden publishes scholarly articles and course materials, and lectures at key industry conferences and seminars. She is an author and co-author of articles published by the National Law Journal, *Courts Grapple with Lead-Counsel Auctions*; *IICLE on Illinois Causes of Action, Shareholder Derivative Suits*; the American Bar Association, *The Impact of Central Bank on Securities Fraud Litigation: The Plaintiffs' Perspective*; Illinois Bar Journal, *Proposed Rule 225: A Death Warrant for Class Actions in Illinois*; and *Practising Law Institute on Class Actions Litigation (2006 and 2007): A Hybrid 23(B)(2) Rule For Hybrid Class Actions? New Developments In The Use Of Rule 23(b)(2) In Class Certification*; and *The Evolving Use of Rule 23(b)(2) in Hybrid Class Actions Seeking Monetary Damages: A Hybrid Approach*. In January 2005, Ms. Gilden testified against Proposed Rule 225 before the Illinois Supreme Court's Rules Committee.

Ms. Gilden is a regular presenter at conferences and seminars around the country, including investor conferences and symposiums. She has spoken on shareholder rights, corporate ethics and financial regulatory reform, as well as various aspects of securities litigation and class action law, including class certification standards and trends, financial reporting, officer and director liability, insurance risks, deferred prosecution agreements, the Private Securities Litigation Reform Act of 1995, the Sarbanes-Oxley Act of 2002, companies in financial crisis, settlements and best practices in claims administration. These conferences and seminars were held by such diverse organizations as the American Bar Association, Practising Law Institute, National Institute on Class Actions, Illinois CPA Foundation, Hines Insurance Symposium, the Ohio and Wisconsin Bar Associations, Chicago Bar Association, Vanderbilt Law School, the National Association of Shareholder and Consumer Attorneys, and other organizations.

Ms. Gilden was selected as an "Illinois Super Lawyer" in 2005, 2006, 2007, 2008, 2009 and 2010 by Law & Politics, which published its selections in Chicago magazine. Only 5 percent of Illinois attorneys are awarded this honor. Ms. Gilden also has achieved the "AV" Peer Review Rating by Martindale-Hubbell.

Ms. Gilden is a frequent commentator in the national media on market scandals, recent developments and trends in securities law and high profile securities fraud cases. She has frequently appeared on CNBC, including an appearance on a special segment titled *I Want My Money Back* where she was described as "one of the top investor advocacy attorneys in the country." She also has been featured on the ABC news programs *World News Tonight*, *World News Now* and *Good Morning America*, as well as numerous appearances on *First Business* and an appearance on *BBC World News*. In addition to television appearances, Ms. Gilden has been quoted by prominent publications such as the *Associated Press*, *Bloomberg News*, *Crain's*, *CFO.Com*, *Fortune* magazine, the *National Law Journal*, *USA Today*, *London Mail*, *Chicago Tribune*, *Dow Jones*, *Business Insurance* and *Corporate Legal Times*. Ms. Gilden recently appeared on the cover of *Chicago Lawyer* in connection with a feature article on The Ebb and Flow of Securities Class Actions.

Ms. Gilden served as the President of the National Association of Shareholder and Consumer Attorneys (NASCAT), which is the preeminent trade association for securities class action attorneys, from April 2007-April 2009, where she actively worked to promote the interests of investors. Ms. Gilden currently serves on its Executive Committee. Prior to becoming President, she first served as Treasurer, then President-Elect for NASCAT. Ms. Gilden is the first woman in NASCAT's 18-year history to be elected Treasurer, President-Elect and subsequently, President. Ms. Gilden is also Vice President of the Institute for Law and Economic Policy (ILEP). She also was a member of Illinois Attorney General Lisa Madigan's Prescription Drug Transition Working Group. Ms. Gilden is a member of the American Bar Association, Illinois State Bar Association, Chicago Bar Association and the Association of Securities and Exchange Commission Alumni.

Ms. Gilden is a graduate of the University of Illinois (B.S., Business Administration). She graduated from Chicago-Kent College of Law (J.D., with honors) where she served as a member of the Chicago-Kent Law Review.

Ms. Gilden is admitted to practice in Illinois, the federal district court for the Northern District of Illinois, the United States Circuit Court of Appeals for the Seventh Circuit and the United States Supreme Court, as well as on a pro hac basis before other federal and state courts throughout the country.

#### **Jenny R. Yang**

Jenny Yang joined Cohen Milstein in 2003 and is a Partner in the Civil Rights & Employment practice group.

Currently, Ms. Yang works on *Aaron v. Pilgrim's Pride Corp.*, Civ. No. 06-1082 (W.D. Ark.), and related actions in a multi-district litigation proceeding, in which workers seek redress for unpaid overtime. Ms. Yang is also litigating *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), the largest certified Title VII class action in history, in which female employees allege sex discrimination in promotions and pay decisions. In addition, Ms. Yang represented the plaintiffs and class in *Beck v. The Boeing Company* (W.D. Wash.), a class action alleging gender discrimination, which settled in 2004 for \$72.5

million. She is also working on *Jenkins v. BellSouth* (N.D. Ala.), a race discrimination case alleging systemic discrimination in pay and promotions and *Robinson-Smith v. GEICO* (D.D.C.) and *Lindsay v. GEICO* (D.D.C.), two separate nationwide lawsuits challenging GEICO's refusal to pay auto damage adjusters overtime.

Ms. Yang is a contributing editor of the American Bar Association, Labor & Employment Law Section's employment discrimination treatise, Lindemann & Grossman, *Employment Discrimination Law*, upcoming 4th Edition. She is a member of the National Employment Lawyers Association (NELA) and has served as a speaker on race discrimination issues at their National Convention.

Prior to joining the Firm, Ms. Yang was a Senior Trial Attorney with the United States Department of Justice, Civil Rights Division, Employment Litigation Section, where she worked for five years on both pattern or practice and individual federal employment discrimination cases against state and local governments. She litigated cases involving discrimination based on race, sex, and national origin. Before her work at the Department of Justice, Ms. Yang received a community service fellowship to work at the National Employment Law Project in New York City, a non-profit organization focusing on low-wage workers' rights. While there, she worked on ground-breaking joint-employer liability litigation to hold garment manufacturers liable for unpaid wages owed to garment workers under the Fair Labor Standards Act. After law school, Ms. Yang clerked for the Honorable Edmund Ludwig on the United States District Court for the Eastern District of Pennsylvania. In 1992-1993, Ms. Yang worked on the Presidential Transition and at the White House, Office of Presidential Personnel.

Ms. Yang serves as a member of Board of Directors of the Asian Pacific American Legal Resource Center. From 2001-2003, she served as a government fellow for the American Bar Association, Labor and Employment Section, Equal Employment Opportunity Committee. She also served as a National Co-Chair and Board Member of the National Asian Pacific American Women's Forum from 1998-2004.

Ms. Yang graduated from Cornell University (B.A., Government, *with distinction*, 1992) and New York University School of Law (J.D., *cum laude*, 1996) where she was a Root-Tilden Public Interest Scholar and a Note and Comment Editor of the Law Review.

Ms. Yang is admitted to practice in the District of Columbia, New York, and New Jersey.

#### **Kit A. Pierson**

Kit Pierson, a Partner, joined the Firm in 2009 and is a member of the Antitrust practice group.

Mr. Pierson has spent the last two decades handling civil litigation matters in antitrust cases and other complex litigation. As a Shareholder at Heller Ehrman from 1997-2008, Mr. Pierson represented clients in large antitrust class action litigation and False Claims Act litigation, including significant jury trials. Mr. Pierson also has a longstanding commitment to civil rights matters and pro bono representation and recently was lead counsel for one of the Guantanamo detainees in a successful habeas corpus challenge to the legality of his confinement.

As a Shareholder at Heller Ehrman, Mr. Pierson was involved in class actions and other antitrust cases of national significance. Mr. Pierson represented Microsoft Corporation in antitrust class action litigation and other matters and was one of the trial attorneys representing Microsoft in jury trials in *Gordon v. Microsoft* (Minnesota) and *Comes v. Microsoft* (Iowa). Mr. Pierson represented 3M

Company in antitrust class actions challenging bundled discounted in federal and state court. He represented the American Booksellers Association in antitrust litigation on behalf of its members (independent bookstores across the country) in *American Booksellers Association v. Houghton Mifflin* (S.D.N.Y.). These cases resulted in the entry of consent decrees against several of the leading publishers in the United States, and were followed by successful litigation against one of the publishers based on violations of the consent decrees. Mr. Pierson represented dock and trucking companies in *Erie Port Authority v. Chesapeake & Ohio Railroad* (E.D. Pa.), an antitrust case challenging a conspiracy by large railroad companies to restrain trade in the shipment of iron ore and resulted in a substantial jury verdict for the plaintiffs.

Mr. Pierson has represented parties in a broad range of other complex civil litigation matters. He represented the plaintiff in *United States ex rel. Loughren v. UnumProvident* (D. Mass.), a qui tam action in which the jury found that the largest disability carrier in the United States violated the False Claims Act by causing the submission of false claims for social security disability benefits to the United States. He successfully defended a hospital and surgeon in *Pallin v. Singer* (D. Vt.) after they were sued by a physician for allegedly infringing a patent relating to their method for performing cataract surgery. Mr. Pierson successfully represented health policy researchers at the Urban Institute, a non-profit think tank, after they were sued in *Minntech v. Held* (D. Minn.), for allegedly defaming the plaintiff-corporation by publishing research relating to the safety of dialysis products used by thousands of dialysis patients. Mr. Pierson has represented parties in numerous cases involving constitutional issues, including the National Association of Broadcaster's successful defense of the "must carry" provisions in *Turner Broadcasting Systems v. FCC* (S. Ct.). He has also represented the nation's leading association of psychologists in various litigation matters, including cases successfully defending the association's decisions to discipline members for unethical conduct.

Mr. Pierson is chair of Cohen Milstein's pro bono committee. From 2005-2008, he was the chair of Heller Ehrman's pro bono and community service program for the firm's thirteen offices. Mr. Pierson has been actively involved in pro bono representation, including his representation of Guantanamo detainees as well as representation of various non-profit entities and individuals in recent FOIA litigation that successfully exposed unlawful spying activities by police in the State of Maryland. Mr. Pierson is a Member of the ACLU of Maryland's Committee on Litigation and Legal Priorities and a Member of the Board of Trustees for the Lawyers' Committee for Civil Rights Under Law.

Mr. Pierson is a 1979 graduate of Macalester College, where he received a B.A. (*magna cum laude*) in Economics and Political Science. He graduated from the University of Michigan Law School (*magna cum laude*) in 1983, where he was a Note Editor of the Michigan Law Review and a member of the Order of the Coif. Mr. Pierson served as a Law Clerk for the Honorable Harry T. Edwards, United States Court of Appeals for the District of Columbia Circuit, from 1983-1984 and a law clerk for the Honorable Chief Judge John Feikens, United States District Court for the Eastern District of Michigan, from 1984-1985.

### **J. Douglas Richards**

J. Douglas Richards joined Cohen Milstein as the Managing Partner of its New York office in 2009. Mr. Richards is a member of the Antitrust practice group.

Prior to joining the firm, he specialized in antitrust class actions for approximately ten years as a partner at two leading plaintiffs' class action firms, Pomerantz Haudek Block Grossman & Gross and Milberg Weiss. Mr. Richards served for more than two years in 1997-2000 as Deputy General Counsel

of the Commodity Futures Trading Commission, where he supervised approximately twenty-five staff attorneys in the Office of General Counsel and managed more than 35 appeals in the United States Courts of Appeals. Mr. Richards was responsible for the management of all litigation by and against that federal agency as well as its appellate adjudicatory function, and was the recipient from the agency of a Special Act or Service Award for greatly reducing the agency's longstanding adjudicatory backlog and successfully defending its opinions on appeal to the Circuit Courts. Before working for the Commission, Mr. Richards was a litigation partner for more than eight years with O'Sullivan Graev & Karabell (which merged into O'Melveny & Myers in 2002 and became its New York office). While with O'Sullivan, he participated in diverse commercial litigation including antitrust cases such as *In re Beer Industry Antitrust Litigation*, 86 CV 2400 (E.D.N.Y.), in which he was a lead trial counsel for defendant Stroh Brewery Company and successfully obtained a directed verdict for it after a two-week jury trial. Mr. Richards has broad experience with the litigation of antitrust and trade regulation matters at the trial and appellate levels.

Mr. Richards has especially extensive experience in the successful prosecution of antitrust class actions. He was co-lead counsel for the plaintiffs in a class action against Microsoft in New York state court, which resulted in a settlement providing benefits of more than \$120 million for New York consumers and needy public schools. He was co-lead counsel in *In re Buspirone Antitrust Litigation*, MDL No. 1410 (S.D.N.Y.), which led to a \$90 million settlement and in which presiding Judge Koeltl stated that the plaintiffs' attorneys had done "a stupendous job." He was co-lead counsel in *In re Relafen Antitrust Litig.*, No. 01-12239 (D. Mass.), which led to a \$75 million settlement and in which presiding Judge Young stated that the settlement was "the result of a great deal of very fine lawyering." He was co-lead counsel in *In re Reformulated Gasoline (RFG) Antitrust & Patent Litig.*, MDL No. 05-1671 (C.D. Cal.), which led in 2008 to a \$48 million settlement. He was co-lead counsel for international customers of Christie's Sotheby's in connection with class action claims against them for price-fixing, in connection with which presiding Judge Kaplan observed that the representation of the plaintiffs had been "tenacious and skillful" and in which a \$40 million settlement was achieved for foreign auction house customers. He also made a substantial contribution to the record-setting recovery of more than \$3 billion in the antitrust class action against Visa and Mastercard in *In re Visa Check/Mastermoney Antitrust Litig.*, CV-96-5238 (E.D.N.Y.), which is the largest antitrust settlement in the over 100 year history of the Sherman Act, and was formally credited by lead counsel Lloyd Constantine at the end of that case for having been a "consistent source of helpful high level advice."

Mr. Richards has argued more than twenty-five appeals in the federal and state courts of appeals. In recent years, he has argued appeals on several cutting-edge issues of antitrust law, including to the United States Supreme Court in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). He also is participating in 2009 in briefing to the Supreme Court in *Stolt-Nielsen S.A. v. Animalfeeds International Corp.*, No. 08-1198, a case concerning when arbitration proceedings may be conducted on a class basis, and in briefing to the Supreme Court in *Credit Suisse (USA) LLC v. Billing*, 127 S.Ct. 2383 (2007), a case concerning the scope of operation of antitrust law in regulated industries. He also has argued such leading appellate cases as *In re Ciprofloxacin Hydrochloride Antitrust Litig.*, 544 F.3d 1323 (Fed. Cir. 2008), cert. denied, 77 U.S.L.W. 3690 (June 22, 2009); *In re Tamoxifen Citrate Antitrust Litig.*, 429 F.3d 370 (2d Cir. 2005), cert. denied, 127 S.Ct. 3001 (2007); *JLM Industries, Inc. v. Stolt-Nielsen SA*, 387 F.3d 163 (2d Cir. 2004); *Kruman v. Christie's Int'l PLC*, 284 F.3d 384 (2d Cir. 2002); and *Sperry v. Crompton Corp.*, 8 N.Y. 3d 204 (2007).

Mr. Richards also has been a frequent speaker on issues of antitrust law. In January 2009 he was a panelist at a meeting of the Standing Committee on the Federal Rules of Civil Procedure for a presentation concerning the extent of recent increased discovery burdens in federal litigation, and

possible revisions to the rules to address them. In September 2008 he was a panelist at the annual meeting of the National Association of Attorneys General for a presentation entitled "Recent Developments in Intellectual Property." In November 2007 he was a panelist at the ABA Fall Forum for a presentation entitled "Litigation an Antitrust Case After Twombly." In October 2007 he was a panelist at the 2007 Fall Bench and Bar Retreat of the Federal Bar Council, titled "Rule 23 in the Second Circuit: Post-CAFA and Post-IPO." In October 2007 he was a panelist at the ABA's Antitrust Litigation Course, commenting on class certification in antitrust class actions. In August 2007 he was a panelist in a presentation at the ABA Annual Meeting titled "2007 Supreme Court Antitrust Findings: The Insider's Perspective." In July 2007 he was a speaker in an ABA Webcase program titled "The Supreme Court's Revolutionary Decision on Pleadings – Will Your Pleadings Pass the New Test?" In April 2007 he was a speaker at the "Hot Topics 2007" presentation at the ABA Antitrust Section 55th Annual Spring Meeting. In November 2006 he was a speaker at a Federal Bar Council presentation titled "Antitrust Issues in Patent Litigation Settlements: the Divergent Views of Federal Courts and Agencies." In September 2006 he was a speaker in a Federalist Society presentation at NYU Law School, titled "Does Procedure Dominate Substance? Of Class Actions and Pretrial Motions." He also recently authored *Class Action Standards in Crisis: Whether Common Merits Questions Predominate Does Not Depend on the Questions' Answers*, Global Competition Policy (May 2009); *Three Limitations of Twombly: Antitrust Conspiracy Inferences in a Context of Historical Monopoly*, 82 St. John's L.Rev.849 (2008); and *What Makes An Antitrust Class Action Remedy Successful?: A Tale of Two Settlements*, 80 Tulane L. Rev. 621 (2005).

Mr. Richards is a member of the Board of Directors of the Appleseed Foundation, a non-profit network of 16 public interest justice centers in the United States and Mexico.

Mr. Richards is admitted in New York, as well as the United States District Court for the Southern and Eastern Districts of New York, the District of Connecticut, all Circuit Courts of the United States and the United States Supreme Court. He is a graduate of Harvard Law School (J.D. 1981) and the University of Chicago (AB 1977).

#### **Linda Singer**

Linda Singer, a Partner, joined Cohen Milstein in 2009 as head of the Public Client practice group. Ms. Singer is the former Attorney General for the District of Columbia. In 2010, Ms. Singer was selected as one of "Washington's Most Influential Women Lawyers" by *The National Law Journal*.

Ms. Singer brings her extensive experience to lead the practice in supporting state Attorneys General, who serve as the critical front line in litigation protecting consumers, workers, and public resources. In addition to government clients, Ms. Singer represents other public-sector clients, including non-profit organizations and labor unions, in their efforts to ensure enforcement of laws protecting workers and consumers.

Ms. Singer currently represents Attorneys General in investigations and litigation involving fraudulent mortgage lending, unsafe and deceptive practices in the sale of prescription drugs, and misclassification of independent contractors in violation of state tax and employment laws.

In particular, Ms. Singer has:

- Represented a state Attorney General in the landmark proceedings against Countrywide Financial (and its parent, Bank of America), which resulted in mortgage modifications and

other relief valued at approximately \$8.6 billion. As a result of the settlement, Countrywide agreed to provide loan modifications to 400,000 borrowers nationwide and financial relief to the states and borrowers.

- Served as co-counsel to the Borrowers' Committee in the bankruptcy of American Home Mortgage, one of the largest non-prime mortgage lenders. The Borrowers' Committee was appointed by the bankruptcy court to ensure that the interests of American Home's borrowers were protected in the company's dissolution.
- Represented unions in consumer-related investigations.
- Served as co-counsel to a state in an opt-out case seeking to recover its investment losses in Lehman Brothers.
- Advised a state in multi-state action against a Fortune 100 company for its employment practices.

Before entering the private sector, Ms. Singer led the seventh-largest state Attorney General's office in the nation, overseeing the litigation and policy initiatives carried out by her staff of more than 350 lawyers. As the chief law enforcement office for the District of Columbia, she was responsible for overseeing all of the District's litigation, providing legal advice to the Mayor and the Directors of other District agencies, and for representing the interests of District residents through enforcement initiatives focused on consumer protection, public safety, and the environment. During her tenure as Attorney General, Ms. Singer successfully petitioned the Supreme Court to hear its first Second Amendment case in more than 70 years; developed new initiatives to combat gun violence; and expanded enforcement litigation aimed at protecting consumers, children, tenants, and victims of domestic violence.

Prior to serving as Attorney General, Ms. Singer was the Executive Director of the Appleseed Foundation, a national network of public interest law centers. Earlier in her career, Ms. Singer served as a staff attorney in the Criminal Defense Division of the Legal Aid Society of New York City. She has spoken extensively before legal and other audiences and is a frequent contributor to numerous legal trade publications.

Ms. Singer is a graduate of the Harvard College (B.A., magna cum laude, 1988) and of Harvard Law School (J.D., magna cum laude, 1991).

Ms. Singer is admitted to practice in the District of Columbia and New York.

#### **R. Joseph Barton**

Joseph Barton, a Partner at the Firm, joined Cohen Milstein in 2001 and is a member of the Employee Benefits practice group.

Prior to joining the firm, Mr. Barton served as a judicial law clerk to the Honorable Lenore C. Nesbitt, United States District Judge for Southern District of Florida (2000-2001). Since joining the firm, Mr. Barton has been actively involved in a variety of class action cases involving employee benefits as well as antitrust and securities cases.

Mr. Barton has been actively involved in a diverse number of employee benefit cases. He has litigated

or is litigating a number of private ESOP cases. In litigation challenging the sale of stock for \$25 million by the family shareholders to the Azon Corporation ESOP, Mr. Barton defeated defendants' summary judgment motions and obtained partial summary judgment and obtained a settlement of \$9.25 million for the ESOP participants. In litigation challenging a sale of stock to the Tharaldson Motels Inc. ESOP (one of the largest ESOP's in the country) for \$500 million, Mr. Barton obtained a determination that former employees had standing to sue as participants of the plan. Mr. Barton has also been involved in a number of cases alleging breach of fiduciary duty by investing the 401k plan in company stock of publicly traded companies. Additionally, in *Simpson v. Fireman's Fund Insurance Company* (N.D. Cal.), Mr. Barton represented a class of active and terminated employees alleging that FFIC's policy of terminated persons on disability violated the discrimination provisions of ERISA, and obtained a settlement restoring their right to benefits for a period of years and also reimbursement of past expenses. Finally, Mr. Barton led a trial team in *Stoffels et al. v. SBC Communications* (W.D. Tex.) that resulted in the determination that AT&T's practice of providing cash payments to certain of its retirees to pay for their telephone expenses via a program known as Telephone Concession constituted a pension plan under ERISA.

Mr. Barton has been active in a number of securities fraud lawsuits including *In re Physician Corporation of America Securities Litigation* (S.D. Fla.) (settlement of \$10.2 million), and *In re MCI Securities Litigation* (D.D.C.) (settlement of \$4.5 million) and also represented a small class of former Sterling shareholders who received Uniroyal stock in a merger in *Avery v. Uniroyal Technology Corp.*, (M.D. Fla.) (settlement of \$2.3 million). Mr. Barton represents limited partners of Lipper Convertibles, a now-defunct hedge fund, in an arbitration against the fund's former general partners, *Levitt v. Lipper Holdings et al.* (AAA), and in litigation against the outside auditor in federal district court, *Levitt v. PricewaterhouseCoopers* (S.D.N.Y.) in connection with their investments in the Partnership which were allegedly overvalued for over 5 years. |

Mr. Barton has also worked on a number of antitrust actions. Mr. Barton was a part of the team that engaged in intensive trial preparations in *In re High Fructose Corn Syrup Antitrust Litigation*, (C.D. Ill.), a class action alleging price-fixing by the manufacturers of high fructose corn syrup, which settled for more than \$500 million shortly before trial. Mr. Barton litigated *In re Mercedes-Benz Antitrust Litigation* (D.N.J.), a class action alleging price-fixing of new Mercedes-Benz vehicles in the New York Region, which settled for \$17.5 million or 50% of Plaintiffs' calculation of actual damages. In connection with the Mercedes-Benz litigation, Mr. Barton briefed and argued and obtained summary judgment on an issue of first impression that established that lessee-plaintiffs had standing to sue as direct purchasers under the federal antitrust laws.

Mr. Barton has also provided pro bono representation. Along with the non-profit law firm Midwest Environmental Advocates, Mr. Barton provided pro bono representation to the grassroots citizens action group Clean Water Action Council of Northeastern Wisconsin, in objecting to a settlement by the United States Department of Justice and the State of Wisconsin concerning natural resource damages in the Fox River area of Wisconsin. Mr. Barton also represented a client in D.C. Superior Court against her former employer who refused to pay her wages and overtime, in which the Judge described Mr. Barton's representation as follows: "everything done on behalf of the Plaintiff has been professional, timely and thorough."

Mr. Barton received his undergraduate degree from the College of William & Mary (B.A. 1991) where he majored in History and minored in Classical Studies, and graduated Order of the Coif from the College of William & Mary, Marshall-Wythe School of Law (J.D. 2000). At law school, he received the Lawrence W. l'Anson Award for outstanding student scholarship, character and leadership, the

William B. Spong Award for professionalism and ethics, the Robert R. Kaplan Award for excellence in legal writing and Order of the Barristers. He served on the editorial board of the William & Mary Law Review and was a staff member of the William & Mary Bill of Rights Journal. Mr. Barton was a member of the William & Mary National Trial Team and served as Vice-President of the William & Mary Chapter of the Association of Trial Lawyers of America.

Mr. Barton is the author of *Determining the Meaning of "Direct Evidence" in Discrimination Cases Within the Eleventh Circuit: Why Judge Tjoflat was (W)right*, 77 Fla. B.J. 42 (2003), *Drowning in a Sea of Contract: Application of the Economic Loss Rule to Fraud and Negligent Misrepresentation Claims*, 41 Wm. & Mary L. Rev. 1789 (2000), and *Utilizing Statistics and Bellwether Plaintiff Trials: What do the Constitution and the Federal Rules of Civil Procedure Permit?*, 8 Wm. & Mary Bill Rts. J. 199 (1999). Each of Mr. Barton's published articles has been cited by both courts and commentators.

Mr. Barton is the current Secretary/Treasurer for the American Association of Justice (AAJ) Employment Rights section, which focuses on all aspects of employment and labor law including Title VII, ADA, ADEA, FMLA and wrongful discharge cases.

Mr. Barton is admitted to practice in the State of California and the District of Columbia and is listed in the Marquis' Who's Who in American and Who's Who in American Law.

#### **Joshua S. Devore**

Joshua Devore, a Partner at the Firm, joined Cohen Milstein in 2000 as a member of the Securities Fraud/Investor Protection practice group.

He is currently working on several securities fraud class actions (including the litigation on the collapse of the Italian dairy conglomerate Parmalat), and has been heavily involved in litigation regarding Wall Street research analysts. He has actively participated in a number of cases that resulted in substantial recoveries for investors, including *In re Lucent Technologies, Inc. Securities Litigation* (settlement of approximately \$575 million); *In re Merrill Lynch Research Reports Securities Litigation* (settlement of \$125 million); *In re VeriSign Corp. Securities Litigation* (settlement of \$78 million); and *Norman v. Salomon Smith Barney* (settlement of \$51 million on behalf of Guided Portfolio Management Account holders).

Mr. Devore has been the primary author of numerous briefs addressing complex and novel issues of the federal securities laws, leading to notable reported decisions such as *In re Parmalat Securities Litigation*, 376 F.Supp.2d 472 (S.D.N.Y. 2003), that affirmed claims of "scheme" liability against a corporation's outside investment banks, and *Lentell v. Merrill Lynch & Co.*, 396 F.3d 161 (2d Cir. 2005), that reversed a dismissal on statute of limitations grounds and reset the standards for pleading loss causation. He was also a member of the trial team in *In re Globalstar Securities Litigation*, which settled for \$20 million during trial after Plaintiffs had fully presented their case.

Mr. Devore is actively involved in the representation of the firm's institutional investor clients and personally developed and oversees the analysis of the firm's clients' investments in securities that may have been affected by fraud.

Mr. Devore graduated from Rice University in 1997 with a B.A. in Chemistry, and obtained his law degree from Georgetown University Law Center in 2000. While at Georgetown, Mr. Devore served as an Executive Editor of the Georgetown International Environmental Law Review. Mr. Devore is co-

**Attorney Profiles – Of Counsel & Associates**

**S. Douglas Bunch**

Doug Bunch, an Associate at the Firm, joined Cohen Milstein in 2006 and is a member of the Securities Fraud/Investor Protection practice group.

Mr. Bunch is currently working on multiple active securities fraud class actions, including class actions on behalf of investors in funds which served as so-called "feeder funds" for Bernard L. Madoff's Ponzi scheme; class actions on behalf of investors in mortgage-backed securities; and class actions against various Oppenheimer mutual funds for failing to disclose the risks of investing in those funds.

Mr. Bunch is a graduate of the William & Mary School of Law (2006), where he was a recipient of the Benjamin Rush Medal. A member of Phi Beta Kappa, he graduated summa cum laude from the College of William & Mary in 2002 with a Bachelor's degree in Government and Classical Studies. Mr. Bunch is also a 2003 graduate of Harvard University's Graduate School of Education, from which he holds a Master's degree in Administration, Planning, and Social Policy. At Harvard, he served as an intern in the Boston office of the U.S. Department of Education's Office for Civil Rights, where he worked closely with attorneys to enforce federal laws that protect students from discrimination on the basis of race, gender, age, and disability.

Mr. Bunch is actively involved in several nonprofit endeavors. He serves as Chairman of Global Playground, Inc., an organization which promotes education in developing countries; as Executive Director of Ascanius: The Youth Classics Institute, which promotes the study of classics in the elementary school; and as a member of the Board of Directors of the Northeast Conference on the Teaching of Foreign Languages, which promotes the study of world languages more broadly.

Mr. Bunch is admitted to practice in New York, the District of Columbia, the Court of Appeals for the Second Circuit, and the U.S. District Courts for the District of Columbia, District of Colorado, and Southern District of New York. Mr. Bunch works in the Firm's Washington D.C. office.

**Monya M. Bunch**

Monya M. Bunch joined Cohen Milstein as an Associate in 2009 and is a member of the Employee Benefits practice group.

Prior to joining the firm, Ms. Bunch was an associate in the Litigation Department of Wilmer Cutler Pickering Hale and Dorr LLP, where she focused on litigation in federal court, and federal criminal and regulatory investigations. While there, Ms. Bunch successfully represented the relator in a rare and complex False Claims Act trial in the United States District Court for the District of Columbia, helping the United States to win a jury verdict of just over \$103 million in damages against several defendants who had participated in a bid-rigging conspiracy. Ms. Bunch then clerked for the Honorable Damon J. Keith of the United States Court of Appeals for the Sixth Circuit.

During law school, Ms. Bunch interned with the U.S. Attorney's Office for the Southern District of New York. Her work focused on white-collar matters within the Securities and Commodities Fraud and General Crimes units. Ms. Bunch also held a summer position with a large international law firm in New York City, where she gained experience in trade practices, intellectual property and antitrust matters.

Prior to earning her law degree, Ms. Bunch dedicated her career to community activism and development as a local planner for the organization Agenda for Children Tomorrow (A.C.T.), in New York City. While working for A.C.T., she supported a neighborhood-planning coalition by linking community projects related to child welfare, family planning and youth services.

Ms. Bunch received her undergraduate degree from Hampton University (B.S., 1991) and her graduate degree from the University of Hartford (M.P.A., 1994). She received her law degree from Howard University School of Law (J.D., 2004), where she served as editor-in-chief of the *Howard Law Journal* and authored a Comment, *Juvenile Transfer Proceedings: A Place for Restorative Justice Values*, 47 *How. L.J.* 909 (2004), for which she received the 2005 Burton Award for Excellence in Legal Writing.

Ms. Bunch is admitted to practice in New York and the District of Columbia.

#### **Robert A. Cacace**

Robert Cacace joined Cohen Milstein as an Associate in 2010 and is a member of the Antitrust practice group.

Prior to joining the firm, Mr. Cacace was a law clerk for the Honorable Gladys Kessler at the U.S. District Court for the District of Columbia, where he handled a variety of civil and criminal matters, including the habeas corpus petitions of Guantanamo Bay detainees.

Mr. Cacace graduated from Harvard College with a B.A. in History (2003, *cum laude*), Oxford University (M.St., 2005), and Harvard Law School (J.D., *cum laude*, 2008). During law school, Mr. Cacace served as an Executive Editor for the *Civil Rights-Civil Liberties Law Review* and the *BlackLetter Law Journal*. He also worked with asylum-seekers and legal issues related to refugee law as a member of Harvard's clinical programs. Mr. Cacace spent two summers working with the Department of Justice. In addition, he worked as a summer associate for Paul, Weiss, Rifkind, Wharton & Garrison in New York, NY.

Mr. Cacace is admitted to the New York State Bar and he is practicing under the supervision of Daniel S. Small, a member of the D.C. Bar.

#### **Whitney R. Case**

Whitney R. Case joined Cohen Milstein as an Associate in 2005 and is a member of the Consumer Protection & Unsafe Products practice group.

Ms. Case has been actively involved in a number of class action cases, including a case against SBC Communications, Inc., *Wagener, et al. v. SBC Pension Benefit Plan - Non-Bargained Program* (D.D.C.), which alleged widespread miscalculation of pension benefits owed to its employees in violation of ERISA. That case resulted in a \$16 million settlement for retirees. She has also represented Fiduciary Counselors, Inc. in their capacity as independent fiduciary for the Enron Savings Plan, including evaluating settlements reached in the *Newby v. Enron Corp.* (S.D.Tex.) securities class action case.

Currently, Ms. Case represents the City of Chicago in a case against online travel companies, alleging a systematic failure to pay taxes owed under Chicago's Hotel Tax Ordinance. Ms. Case is also

involved in cases against Sallie Mae related to excessive interest and late fee charges on student loans, and against Vonage related to deceptive business practices in advertising and administering promotional offers.

Ms. Case is the author of "The Coupon Can Be the Ticket: The Use of 'Coupon' and Other Non-Monetary Redress in Class Action Settlements," 18 Geo. J. Legal Ethics 1431 (2005) (co-authored with Lisa Mezzetti).

Prior to joining Cohen Milstein, Ms. Case served as a law clerk at the District of Columbia Bar's Board on Professional Responsibility. She also studied International Law at University College in London, England and was a student attorney in the Domestic Violence Clinic at Georgetown University Law Center.

Ms. Case received her law degree from Georgetown University Law Center in 2005. She received her undergraduate degree from Tulane University (B.A., Political Economy and French, cum laude, 2002) during which time she spent a year studying at Universite de Paris IV, La Sorbonne.

Ms. Case is admitted to practice in New York, New Jersey and the District of Columbia.

#### **Christopher J. Cormier**

Christopher J. Cormier joined Cohen Milstein in 2003 as an Associate in the Antitrust Practice Group. He is actively involved and has obtained significant experience in all phases of antitrust actions alleging concerted and unilateral anticompetitive conduct.

Mr. Cormier currently represents certified or proposed plaintiff classes in, among other cases: *In re Plasma-Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.) (serving on plaintiffs' steering committee on behalf of proposed class of direct purchasers alleging a nationwide output restriction and price-fixing conspiracy); *In re Urethane Antitrust Litigation* (Polyether Polyol Cases) (D. Kan.) (serving as co-lead counsel on behalf of a certified class of direct purchasers of several types of chemicals that were overcharged as a result of a nationwide price-fixing and market allocation conspiracy; one defendant, Bayer, has settled for \$55.3 million); *In re Endosurgical Products Direct Purchaser Antitrust Litigation* (C.D. Cal.) (serving as co-lead counsel on behalf of a proposed class of direct purchasers of medical instruments used in laparoscopic surgery that were overcharged pursuant to alleged monopolistic conduct; in 2009, the Court approved class settlements valued at more than \$39 million); and *In re Parcel Tankers Shipping Services Antitrust Litigation* (D. Conn.) (serving as co-lead counsel on behalf of direct purchasers of parcel tanker shipping services alleging price-fixing and market allocation).

Mr. Cormier also has served in leadership positions on various other antitrust matters, including *McIntosh, et al. v. Monsanto Co., et al.* (E.D. Mo.) (served as co-lead counsel on behalf of farmers alleging a price-fixing conspiracy concerning genetically modified soybean seeds; following the Court's denial of the remaining defendant's motion for summary judgment, the plaintiffs settled with that defendant on confidential terms), and *Nate Pease, et al. v. Jasper Wyman & Son, Inc., et al.* (Knox County Superior Court, Me.) (served as co-lead counsel on behalf of a class of Maine wild blueberry growers; in 2004, a Maine state court jury found the processing companies liable for participating in a four-year price-fixing and non-solicitation conspiracy, and ordered the defendants to pay over \$56 million in damages).

In addition, Mr. Cormier helps manage the firm's paralegal program and serves on the Antitrust Practice Group's New Case Committee.

Mr. Cormier is one of the authors of "Perspectives on the Future Direction of Antitrust," *Antitrust*, Vol. 22, No. 3, Summer 2008, © 2008 by the American Bar Association. He also is a co-author of "Private Recovery Actions in the United States," *The Antitrust Review of the Americas 2010*, Global Competition Review, September 2009.

Prior to joining Cohen Milstein, Mr. Cormier practiced at a Baltimore-based law firm, where he focused on commercial and antitrust litigation. After his first year of law school, he served as a judicial intern to the Honorable Deborah K. Chasanow, United States District Court for the District of Maryland. During his second year of law school, he served as a legal intern in the National Criminal Enforcement Section of the United States Department of Justice's Antitrust Division.

Mr. Cormier graduated from the University of Virginia with a B.A. in Government in 1999 and from the American University's Washington College of Law (*magna cum laude*) in 2002.

Mr. Cormier is admitted to practice in Maryland, the District of Columbia, the U.S. District Court for the District of Maryland, the U.S. Court of Appeals for the 9th Circuit; the U.S. Court of Appeals for the 10th Circuit; and the U.S. Supreme Court.

#### **Michael Eisenkraft**

Michael Eisenkraft joined Cohen Milstein in 2009 as an Associate and is a member of its Securities Fraud/Investor Protection and Human Rights practice groups.

Prior to joining the firm, Mr. Eisenkraft was associated with Kramer Levin Naftalis & Frankel LLP and, before that, with Milberg Weiss. Mr. Eisenkraft also clerked for the Honorable Barrington D. Parker of the United States Court of Appeals for the Second Circuit.

While associated with Milberg Weiss, Mr. Eisenkraft represented a lead plaintiff in a number of securities fraud class actions, including *In re CVS Securities Litigation* (D. Mass.), which settled on the eve of trial for \$110 million; *In re Novastar Financial Securities Litigation* (W.D. Mo.), which eventually settled for \$7.25 million; *In re McLeodUSA Inc. Securities Litigation* (N.D. Iowa), which settled for \$30 million; and *In re Regeneron Pharmaceuticals Inc.* (S.D.N.Y.), which settled for \$4.7 million.

Mr. Eisenkraft graduated *Magna Cum Laude* and Phi Beta Kappa from Brown University (2001) and *Cum Laude* from the Harvard Law School (2004). He is admitted in New York, New Jersey, the S.D.N.Y., the E.D.N.Y., the D.N.J., and the Second Circuit.

#### **George F. Farah**

George F. Farah joined the Firm as an Associate in September, 2005 and is a member of the Antitrust and Human Rights practice groups.

Since joining the firm, Mr. Farah has represented direct purchasers who were allegedly injured by price-fixing conspiracies in cases such as *In re Hydrogen Peroxide Antitrust Litigation* (E.D.Pa.) and *In re OSB Antitrust Litigation* (E.D. Pa.). Mr. Farah also represented the City of Milwaukee in a

lawsuit against lead paint manufacturers for allegedly causing childhood lead poisoning, and survivors of Nazi-era slave labor against German companies that profited from the labor.

Mr. Farah is currently involved in several antitrust cases alleging concerted or unilateral anticompetitive conduct. In *In re Publication Paper Antitrust Litigation* (D. Ct.), he serves on the executive committee representing a class of direct purchasers who allege that publication paper manufacturers conspired to reduce capacity and fix prices. In *In re Intel Corporation Microprocessor Antitrust Litigation* (D. Del.), Mr. Farah represents a proposed class of direct purchasers who allege that Intel's monopoly over microprocessors increased the prices consumers paid for them. Mr. Farah also represents individuals detained without charge at the U.S. Naval base in Guantanamo Bay, Cuba and a Nepali citizen in political asylum proceedings before a United States Immigration Court.

Prior to joining the Firm, Mr. Farah focused on electoral reform and inequality issues. He is the founder of Open Debates, a nonprofit, nonpartisan organization working to reform the presidential debate process. Before attending law school, Mr. Farah worked to expose the harms of media concentration and the IMF's structural adjustment programs at The Center for the Study of Responsive Law.

Mr. Farah is the author of the book *No Debate: How the Republican and Democratic Parties Secretly Control the Presidential Debates* from Seven Stories Press. His articles addressing legal and electoral issues have been published in *The Washington Post*, *The Boston Globe*, *The Philadelphia Inquirer*, *The Denver Post*, *The Christian Science Monitor*, *Fort Lauderdale Sun-Sentinel*, *Extra! Magazine*, and other publications.

Mr. Farah has appeared on dozens of television programs, including "Nightline," "NOW with Bill Moyers," "20/20," "CBS Evening News," "NBC Nightly News," "CNN Lou Dobbs Tonight," "CNN's Market Call," "FOX and Friends," and "Countdown with Keith Olbermann." Mr. Farah has been interviewed on over 100 radio shows, including NPR's "To the Point," "Keep Hope Alive With Jesse Jackson," "Democracy Now!," "CounterSpin," and "Judicial Watch Report."

Mr. Farah has given several talks on the political process and electoral reform issues at colleges and universities, has hosted numerous televised press conferences, and was a Newsmaker at the National Press Club.

Mr. Farah is a graduate of Harvard Law School (J.D., 2005), and Princeton University (B.A., Woodrow Wilson School of Public and International Affairs, 2000). Mr. Farah was the recipient of a Paul and Daisy Soros Fellowship, and was a delegate to the 2005 International Achievement Summit.

Mr. Farah is admitted to practice in New York.

### **Seth R. Gassman**

Seth R. Gassman joined Cohen Milstein as an Associate in 2007 as a member of the Antitrust practice group.

Since joining the firm, Mr. Gassman has represented victims of alleged domestic and international anticompetitive behavior in such cases as *Molecular Diagnostics Laboratories v. Hoffman-La Roche, Inc.* (D.D.C.), in which purchasers sued two companies for the unlawful monopolization of an enzyme used in DNA amplification, human-genome research, and medical diagnostics, and *Brookshire*

*Brothers, Ltd. v. Chiquita Brands International, Inc.* (S.D. Fla.), which alleged a cartel in the banana industry.

Mr. Gassman is currently involved in several antitrust cases alleging concerted or unilateral anticompetitive conduct. In *In re Plasma-Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.), in which he represents a proposed class that includes hospitals, pharmacies and doctor's offices alleging that manufacturers of life-saving plasma-derivative protein therapies conspired to reduce supply and increase prices, he works as a member of the Plaintiffs Steering Committee. In *In re Chocolate Confectionary Antitrust Litigation* (M.D. Pa.), he serves on the executive committee representing a proposed class of direct purchasers of chocolate products who allege that the major U.S. chocolate manufacturers and certain of their affiliated foreign entities conspired to fix prices. In appointing Cohen Milstein to the executive committee, from where the firm will "provide leadership and direction" as the case progresses, the Court noted Mr. Gassman's "significant knowledge of the legal and factual issues presented by the pending action." In *In re Intel Corporation Microprocessor Antitrust Litigation* (D. Del.), Mr. Gassman represents a proposed class of computer purchasers who allege that Intel's monopoly over microprocessors increased the prices consumers paid for computers.

In recognition of his work, *The Legal 500*, a publication that touts itself as offering the definitive judgment of law firm capabilities, has noted that Mr. Gassman is an extremely promising associate.

Mr. Gassman also represents Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the defendant's security forces (a unit of the Indonesian military).

Mr. Gassman is the author of:

- *Direct Democracy As Cultural Dispute Resolution: The Missing Egalitarianism Of Cultural Entrenchment*, 6 NYU Journal of Legislation and Public Policy 525 (2002-2003).

and the co-author of:

- *Antitrust Class Actions: Continued Vitality*, Global Competition Review, *The Antitrust Review of the Americas* (2008).
- *Global Enforcement of Anticompetitive Conduct*, presented in Florence, Italy at The Tenth Annual Sedona Conference on Antitrust Law & Litigation: The Globalization of Antitrust Enforcement (September 2008).

In addition, Mr. Gassman provided input and assisted in the organization of the ABA Transition Task Force, a working group the American Bar Association established to make recommendations to the incoming Obama administration on various aspects of competition law, and was mentioned in *The Legal 500* in an article ranking Cohen Milstein as one of the top antitrust class action firms in the country.

Before joining Cohen Milstein, Mr. Gassman worked for Cahill Gordon & Reindel, where he worked on complex civil and commercial litigation with a focus on antitrust law. He also performed merger clearance and corporate counseling antitrust work related to several mergers.

Mr. Gassman graduated from New York University School of Law (J.D., 2003), where he was

awarded the Newman Prize, and the University of California at Berkeley with a B.A. in English (1999), where he delivered the commencement address at his departmental graduation.

Mr. Gassman is admitted to practice in New York, and in the United States District Court for the Southern District of New York.

### **Besrat Gebrewold**

Besrat J. Gebrewold joined Cohen Milstein as an Associate in 2007 and is a member of the Antitrust practice group.

Ms. Gebrewold works on *In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), a multi-billion dollar antitrust action alleging that the world's major cargo airlines colluded in setting the amounts of various surcharges they imposed on their customers, and on *In re Urethane Antitrust Litigation (Polyether Polyol Cases)* (D. Kan.), in which she represents a class of direct purchasers of several types of chemicals who allegedly were overcharged as a result of a nationwide price-fixing and market allocation conspiracy. One defendant, Bayer, has already settled for \$55.3 million and is providing cooperation pursuant to its obligations under the settlement agreement. Ms. Gebrewold also represents Registered Nurses employed by hospitals in Albany, Detroit and Memphis in lawsuits alleging that their employers unlawfully fixed their wages in violation of federal antitrust laws.

Prior to joining Cohen Milstein as an associate, Mr. Gebrewold was a summer associate with the firm in 2006, and worked as a law clerk while still in law school.

Ms. Gebrewold has an LL.B from Addis Ababa University, Faculty of Law in Ethiopia. She was also a Fulbright Scholar at Georgetown University Law Center, where she received an LL.M in Common Law Studies for her thesis "The Role of International Law as a Deterrent to Aggression." She received a J.D. from the American University Washington College of Law in May 2007, where she was a member of the *Journal of Gender, Social Policy & the Law*.

Ms. Gebrewold is admitted to practice in Maryland and the District of Columbia, and is a member of the U.S. District Court for the District of Columbia.

### **Matthew K. Handley**

Matthew Handley, an Associate at the Firm, is a member of the Securities Fraud/Investor Protection and Human Rights practice groups.

Mr. Handley focuses much of his practice on enforcement of the federal securities laws on behalf of both domestic and international investors. He currently works on several active securities fraud actions, including *In re Royal Bank of Scotland Group PLC Securities Litigation* (S.D.N.Y.), *In re Convergium Holding AG Securities Litigation* (S.D.N.Y.) and *In re Fannie Mae Securities Litigation* (D.D.C.).

Mr. Handley is also involved in the Firm's civil rights and international human rights actions. Current active matters include:

- Representation of a class of Indian residents who have suffered from groundwater pollution;

- Representation of disability groups against a nationwide builder for failing to design and build accessible apartments; and
- Representation of the families of Nepali laborers who were trafficked and killed while working in Iraq.

In his pro bono work, Mr. Handley has represented Nepali citizens in United States Immigration Court in political asylum proceedings and individuals indefinitely detained without charge by the United States at Guantanamo Bay.

Mr. Handley has been a frequent speaker at institutional investor and international law conferences in Europe including the U.K. and Irish Pension Summit in Dublin, the European Pension Investment Forum in Paris and the Annual Conference of the British Institute of International and Comparative Law.

Prior to joining the Firm, Mr. Handley was a litigation associate at Covington & Burling in Washington, D.C. He began his legal career as a law clerk for the Honorable William Wayne Justice, United States District Judge for the Eastern District of Texas. Before attending law school, Mr. Handley served two years as a Peace Corps Volunteer in Nepal, working as a rural construction engineer.

Mr. Handley graduated from Princeton University with a B.S.E in Civil and Environmental Engineering (1997) and attended the University of Texas School of Law where he graduated with high honors in 2002 and was selected for the Order of the Coif and Chancellors Honor Society. While at the University of Texas, he was an Articles Editor for the Texas Law Review and author of *Why Crocodiles, Elephants, and American Citizens Should Prefer Foreign Courts: A Comparative Analysis of Standing to Sue*, 21 Rev. Litig. 97 (2002). Mr. Handley also recently co-authored *Combating Human Trafficking in Iraq: Adhikari v. Daoud* for the ABA's International Law News.

Mr. Handley is admitted to practice in the state of New York, the District of Columbia, the United States District Courts for the Southern District of New York and the District of Columbia, and the United States Court of Appeals for the Second Circuit.

#### **Karen L. Handorf**

Karen Handorf joined the Firm in 2007 as Of Counsel, is a member of the Employee Benefits (ERISA) practice group and is the head of the Employee Benefits Appellate Practice.

Ms. Handorf is currently involved in litigation and appeals involving a broad range of employee benefits issues including ESOPs, employer stock, and the termination of benefits. She represented a class of 30,000 Goodyear union retirees in litigation in which Cohen Milstein obtained approval of a class action settlement between the retirees, Goodyear and the United Steel Workers, resulting in the establishment of a \$1 billion trust through which retiree healthcare benefits will be provided in the future. *Redington v. Goodyear* (N.D. Ohio). She has co-authored amicus briefs filed by the firm on behalf of the Pension Rights Center in the U.S. Supreme Court (*LaRue v. DeWolff, Boberg & Associates*) and in the Third Circuit (*In re Schering-Plough Corporation ERISA Litigation*). She also played a primary role in drafting the appellate brief in *In re Citigroup ERISA Litigation* (2d Cir.) (challenging the dismissal of a complaint alleging the imprudent purchase of employer stock) and in *Boos v. AT&T* (5th Cir.) (involving the issue of whether a program providing cash payments to certain

“pension eligible” retirees to reimburse them for their personal telephone expenses during retirement is a pension plan).

Prior to joining the firm, Ms. Handorf was an attorney for the U.S. Department of Labor (the “DOL”) where she litigated ERISA cases in federal appellate and district courts for twenty five years. She began her ERISA career in 1982 as a trial attorney in the Plan Benefits Security Division (PBSD) where she litigated actions brought by the Secretary of Labor for violations of the fiduciary standards of ERISA and handled a number of appellate matters.

In 1989, she was appointed Counsel for Decentralized and Special Litigation responsible for supervising the DOL’s ERISA appellate litigation, district court litigation brought by regional offices of the Solicitor of Labor and administrative litigation involving the civil penalty provisions of ERISA. In that position at the DOL, Ms. Handorf (along with Marc Machiz, now head of the firm’s ERISA practice group) was responsible for establishing and supervising PBSD’s amicus brief writing program which addressed a wide range of novel and difficult ERISA issues in both state and federal court. While at the DOL, she also played a major role in formulating the Government’s position on ERISA issues expressed in amicus briefs filed by the Solicitor General in the United States Supreme Court.

In 2001, she was appointed Deputy Associate Solicitor of PBSD. As the Deputy Associate Solicitor, she was responsible for overseeing litigation brought by the Secretary of Labor and legal advice provided to the Employee Benefit Security Administration, which administers Title I of ERISA. In 2005, she returned to her position as supervisor of the ERISA appellate and amicus brief writing program, serving as Counsel for Appellate and Special Litigation.

Ms. Handorf is a recipient of the Department of Labor Distinguished Career Service Award, and received Exceptional Achievement Awards for her work on ERISA 401(k) plan remedies, the amicus brief in the Enron litigation, retiree health care, the amicus program in general, the appellate brief in the Department’s Tower litigation, termination annuities litigation and multiple employer welfare arrangement (MEWAs) litigation.

Ms. Handorf has been recognized for her expertise by her colleagues in the ERISA bar, who made her a Fellow of the American College of Employee Benefits Counsel. She is a frequent speaker on ERISA issues for the ABA, various bar associations and private seminars, and serves as plaintiffs’ co-chair of a subcommittee on civil procedure of the Employees Benefits Committee of the ABA’s Labor Section.

Ms. Handorf received her law degree from the University of Wisconsin Law School in 1975. Prior to law school, she attended the University of Wisconsin-River Falls where she received a B.S. in Speech and History.

Ms. Handorf is a member of the bars of Wisconsin and the District of Columbia, and is admitted to practice before the United States Court of Appeals for the Second Circuit, Third Circuit, Fifth Circuit, Seventh Circuit, Ninth Circuit and Tenth Circuit.

#### **Brent W. Johnson**

Brent W. Johnson, an Associate at the Firm, joined Cohen Milstein in 2009 and is a member of the Antitrust practice group. Mr. Johnson has considerable expertise in complex antitrust litigation, including class actions.

Mr. Johnson represents businesses and individuals as plaintiffs in federal and state civil actions with a focus on multi-district class actions. His class action experience spans across multiple industries, such as private equity, automotive filters, adhesive labelstock, chemicals, milk, dairy products and others. His practice encompasses a broad variety of antitrust claims, including Sherman Act Section 2 conspiracies to monopolize and monopsonize as well as Section 1 restraints of trade.

Mr. Johnson is currently involved in the following matters, among others:

- *In re Urethane Antitrust Litigation* (D. Kan.), in which he serves as co-lead counsel on behalf of a certified class of direct purchasers of several types of chemicals who were overcharged as a result of a nationwide price-fixing and market allocation conspiracy (one defendant, Bayer, has settled for \$55.3 million);
- *Carlin v. Dairy America, Inc.* (E.D. Cal.), in which he serves as co-lead counsel on behalf of a proposed class of dairy farmers paid artificially deflated prices for raw milk due to the negligence of defendants;
- *Allen vs. Dairy Farmers of America* (D. Vt.), in which he represents a proposed class of Northeast dairy farmers against the Dairy Farmers of America and Dean Foods Company who monopolized a level of distribution of fluid milk in the Northeast and forced dairy farmers to join DFA or its affiliate Dairy Marketing Services;
- *In re Online DVD Rental Antitrust Litigation*, (N.D. Cal.), in which he represents a proposed class of direct purchasers of online DVD rentals who were overcharged as a result of a market allocation conspiracy by defendants; and
- *In re Wellpoint, Inc. Out-of-Network "UCR" Rates Litigation* (C.D. Cal.), in which he represents a proposed class of health insurance subscribers who were overcharged for services provided by a doctor or medical provider that was not in their insurer's "network" due to the insurer's use of a faulty database to determine reimbursement rates.

Prior to joining Cohen Milstein, Mr. Johnson practiced at Latham & Watkins LLP in its Washington, D.C. and New Jersey offices for six years, where he focused on antitrust litigation. Some of Mr. Johnson's matters included:

- *Feesers, Inc. v. Michael Foods, Inc. and Sodexo, Inc.* (M.D. Pa.), in which he was a member of the successful trial team that represented Michael Foods, a manufacturer of processed egg products and refrigerated potato products, in a three week trial of a Robinson-Patman Act action brought by a broad-line distributor of food products;
- *National Laser Technology, Inc. v. Biolase Technology, Inc.* (S.D. Indiana), in which he represented Biolase, the country's largest manufacturer of lasers for dental applications, in a civil action brought by an after-market dental laser support company resulting in a favorable settlement for the client. The plaintiff alleged that Biolase had monopoly power over the hard tissue dental laser market and used that power to coerce dentists into purchasing products from it in violation of Sections 1 and 2 of the Sherman Act;
- *Dahl, et al. v. Bain Capital, et al.* (D. Mass.), in which he represented The Carlyle Group in a class action where plaintiffs alleged collusion among certain private equity firms and investment banks in specific going-private transactions in violation of Section 1 of the Sherman Act; and
- *In re Aftermarket Filters Antitrust Litigation* (N.D. Ill.), in which he represented Champion Laboratories, a manufacturer of aftermarket automotive filters, in a class action where plaintiffs

alleged a conspiracy among manufacturers to fix prices in violation of Section 1 of the Sherman Act.

Mr. Johnson also advised clients in the insurance, commodities exchange, chemical and energy industries in obtaining clearance of mergers, acquisitions and joint ventures from the Federal Trade Commission and the Antitrust Division of the Department of Justice in connection with pre-merger notification proceedings under the Hart-Scott-Rodino Antitrust Improvements Act.

Mr. Johnson also has significant experience in other complex civil and criminal litigation and investigations. He has substantial mass torts experience and represented the City of New York and others in multiple federal actions related to the September 11th attacks. He has litigated government contracts matters and was a member of a team handling a GAO administrative hearing concerning a \$1.1 billion Air Force procurement contract. He has conducted internal investigations in response to criminal investigations and inquiries by the Department of Justice and U.S. Attorney's office. He has argued before state trial and appellate courts. He has first-chaired hearings before administrative law judges for the Department of Health and Human Services and the District of Columbia.

Mr. Johnson graduated *magna cum laude* from Duke University in 2000 with a B.A. in Political Science and Spanish. He obtained his law degree from Stanford Law School in 2003.

Mr. Johnson is admitted to practice in the District of Columbia, New York and New Jersey, as well as the U.S. District Courts for the Districts of the District of Columbia and New Jersey. He is a member of the ABA Section of Antitrust Law.

Mr. Johnson currently serves on the firm's New Case and Ethics committees.

### **Matthew B. Kaplan**

Matt Kaplan joined the Firm in 2005 as an Associate in the Securities Fraud Practice Group.

Mr. Kaplan focuses his practice on litigation on behalf of individual and institutional investors and his work in federal securities fraud class actions has allowed investors to recover millions of dollars. Among the cases he has worked on are *In re Buca Inc. Securities Litigation*, *In re C.P. Ships Securities Litigation*, *In re Dura Pharmaceuticals Securities Litigation*, and *In re ProQuest Securities Litigation*. Mr. Kaplan also represented the plaintiff class in *In re LDK Solar Securities Litigation*, a case in which, despite jurisdictional and practical obstacles created by the fact that the defendant company had virtually all of its operations in China, Cohen Milstein negotiated a settlement which required defendants and their insurers to pay sixteen million dollars.

Mr. Kaplan currently represents the plaintiff in *Conrad v. Blank*, a derivative case in Delaware Chancery court which seeks damages from Staples, Inc. executives who the plaintiff alleges were improperly awarded backdated stock options. He also represents investors who seek to recover hundreds of millions of dollars that they lost as a result of the 2009 collapse of the multibillion dollar Ponzi scheme perpetrated by Minnesota businessman Thomas Petters.

Mr. Kaplan is also involved in the Firm's Human Rights Practice Group. He currently represents several detainees at the U.S. Naval base in Guantanamo Bay, Cuba in proceedings before U.S. Courts.

Mr. Kaplan is a graduate of Georgetown University's School of Foreign Service (B.S.F.S., with honors). He received his law degree from The George Washington University Law School (J.D., With Highest Honors, Order of the Coif).

Before coming to Cohen Milstein, Mr. Kaplan was a litigation associate with White & Case, LLP. Prior to becoming an attorney he was a Foreign Service Officer with the U.S. Department of State and was stationed in Venezuela, Colombia, The Bahamas and Nicaragua.

Mr. Kaplan is admitted to practice in the District of Columbia and Virginia

#### **Joshua Kolsky**

Joshua Kolsky joined Cohen Milstein in 2009 as an Associate and is a member of the Securities Fraud/Investor Protection practice group.

Prior to joining the firm, Mr. Kolsky served as a law clerk to the Honorable Barry G. Silverman of the U.S. Court of Appeals for the Ninth Circuit. He previously practiced at Gibson, Dunn, & Crutcher in Los Angeles and, immediately following law school, Mr. Kolsky served as a special assignment law clerk to the Honorable David O. Carter and the Honorable George H. King of the U.S. District Court for the Central District of California.

Mr. Kolsky graduated from the University of Virginia with a B.S. in Engineering Science (2001) and from Columbia Law School (J.D., 2006), where he was a Harlan Fiske Stone Scholar. While at Columbia, Mr. Kolsky served as the production editor of the Columbia Human Rights Law Review. He also interned at the American Civil Liberties Union's National Legal Department and Public Citizen's Global Trade Watch, and participated in the Morningside Heights Environmental Law Clinic.

Mr. Kolsky is admitted to practice in Maryland and is practicing under the supervision of Steven Toll, a member of the D.C. Bar.

#### **Kathleen M. Konopka**

Kathleen Konopka, Of Counsel at the Firm, joined Cohen Milstein in December 2006 as a member of the Antitrust practice group.

In addition to representing purchasers of such products as self-adhesive labels, aspartame, and publication paper in lawsuits against manufacturers of those products alleging price-fixing, Ms. Konopka has represented the City of Milwaukee against a lead paint manufacturer to recover damages associated with the abatement of lead paint hazards in that city.

Ms. Konopka is currently representing Indonesian villagers against ExxonMobil in a suit alleging damages based on ExxonMobil's negligent hiring and supervision of members of the Indonesian military as security who perpetrated offenses of murder, kidnapping, torture, and sexual assault while under ExxonMobil's employ. Additionally, Ms. Konopka represents purchasers of lights cigarettes in a suit against Phillip Morris, alleging damages based on the companies misrepresentations regarding lower deliveries of tar and nicotine.

Prior to joining the firm, Ms. Konopka served as an Assistant United States Attorney for the District of Columbia. In that capacity, she prosecuted criminal defendants in both the local and federal courts and defended the United States in civil litigation at both the trial and appellate levels. Ms. Konopka also conducted a large-scale review of the Federal Bureau of Investigation as an attorney advisor with the Department of Justice's Office of the Inspector General. In the area of international and comparative law, Ms. Konopka has spent time in Sweden studying the impact of litigation on the enforceability of discrimination laws in that country.

Ms. Konopka graduated from Northeastern University School of Law and Vassar College with a B.A. in Feminist Theory.

Ms. Konopka is admitted to practice in Maryland and the District of Columbia.

### **Kalpana Kotagal**

Kalpana Kotagal joined the firm as an Associate in November, 2006 and is a member of the Civil Rights & Employment practice group.

Ms. Kotagal currently is involved in *Aaron v. Pilgrim's Pride Corp.*, Civ. No. 06-1082 (W.D. Ark.), representing workers seeking redress for unpaid overtime, and *Jock, et al. v Sterling Jewelers Inc.* (AAA Case No.11 160 00655 08), representing female employees alleging sexual discrimination against one of the nation's largest jewelry chains.

Ms. Kotagal is the co-author of "Innovation, Economics and the Law: The Health Care Industry's Exposure to Antitrust Liability," published by the ABA Antitrust Law Section in 2007.

Before attending law school, Ms. Kotagal worked in the environmental community as Assistant National Field Director of the United States Public Interest Research Group, running national legislative campaigns on energy and environmental issues, and as an organizer with Green Corps. In 2006, she served as an advisor to a Congressional candidate. Ms. Kotagal served as an honorary chair of the National Finance Committee of Young Lawyers for Obama.

While in law school, Ms. Kotagal was a summer associate at Cohen Milstein and served as law clerk in the Chambers of the Honorable J. Curtis Joyner, Eastern District of Pennsylvania. She was also involved in litigation under the Alien Tort Claims Act and RICO on behalf of Haider Mushin Saleh against contractors CACI and Titan for human rights abuses in Abu Ghraib prison. She served on the Editorial Board of the University of Pennsylvania Law Review as an Articles Editor.

Following law school, Ms. Kotagal clerked for the Honorable Betty Binns Fletcher, United States Court of Appeals for the Ninth Circuit.

Ms. Kotagal received her undergraduate degree with honors from Stanford University (A.B., economics, B.S., earth systems, 1999) and was a Morris K. Udall Scholar. She received her law degree *cum laude* from the University of Pennsylvania (2005), where she was a James Wilson Fellow.

Ms. Kotagal is admitted to practice in New York and the District of Columbia.

**Joel P. Laitman**

Joel P. Laitman joined Cohen Milstein as Of Counsel in 2009. He is a member of the Securities Fraud/Investor Protection practice group.

Education: Columbia University B.A. 1981 *magna cum laude* (member Phi Beta Kappa); Georgetown University Law Center J.D. 1986. For the last fourteen years, Joel Laitman has been a partner at Schoengold Sporn Laitman & Lometti.

At his former firm, Joel Laitman litigated numerous national securities and consumer class actions including many securities class action cases where the firm served as sole lead counsel, including *Westar Energy Securities Litigation* (D. Kansas) (\$30 million recovery); *Nicor, Inc. Securities Litigation* (N.D. Ill.) (\$39 million recovery); *SPX Corporation Securities Litigation* (W.D.N.C.) (\$20 million recovery); *Maley v. Del Global* (\$11.5 million recovery) and *Tidel Technologies* (S.D. Tex) (\$4.05 million recovery in cash and stock). In *Del Global* Judge McMahon commended him as an attorney who she “respected” and in approving the settlement stated that plaintiffs’ counsel “had gone the extra mile” for the class.

**Emmy Levens**

Emmy Levens joined Cohen Milstein as an Associate in 2009. She is a member of the Antitrust practice group.

Prior to joining the firm, Ms. Levens was a staff law clerk at the U.S. Court of Appeals for the Seventh Circuit, where she handled a variety of cases including employment discrimination, bankruptcy, immigration, criminal appeals, civil rights, and habeas corpus.

Ms. Levens graduated from the University of Kansas with a B.A. in Political Science (2004, with honors) and UCLA Law School (J.D., *order of the coif*, 2007). During law school, Ms. Levens served as the Managing Editor for the UCLA Journal of Environmental Law and Policy, the Director of the Downtown Legal Housing Clinic, and the president of Moot Court. She also worked as a summer associate for Morrison & Foerster, LLP in San Francisco.

Ms. Levens’ admission to the Illinois Bar is pending and she is practicing under the supervision of Daniel S. Small, a member of the D.C. Bar.

**Matthew Liles**

Matthew Liles joined Cohen Milstein as an Associate in 2010 and is a member of the Public Client practice group.

Currently, Mr. Liles represents state Attorneys General in investigations, litigation and enforcement actions involving fraudulent mortgage lending, unsafe and deceptive practices in the sale of prescription drugs, and misclassification of independent contractors in violation of state tax and labor laws. In addition to government clients, Mr. Liles represents other public-sector clients, including non-profit organizations and labor unions, in their efforts to ensure enforcement of laws protecting workers and consumers.

Prior to joining Cohen Milstein, Mr. Liles was an Honors Program Attorney in the Office of Litigation for the United States Department of Housing and Urban Development (HUD). Mr. Liles served on the legal team that successfully defended the Real Estate Settlement Procedures Act (RESPA), HUD's consumer protection statute, against lawsuits brought by homebuilders' and mortgage brokers' national associations, which challenged the legality of the statute. Mr. Liles also litigated cases enforcing HUD mortgages as well as the Agency's mandate to provide decent, safe, and sanitary housing for all. While at HUD, Mr. Liles also handled numerous politically sensitive cases involving issues of bankruptcy and foreclosure.

Mr. Liles has also worked in several political positions, including in the office of United States Representative Bob Etheridge (D-NC) and the North Carolina Senate Democratic Caucus.

Mr. Liles received his degree in Economics and Political Science from the University of North Carolina at Chapel Hill, *with distinction* (B.A., 2005). He received his law degree from the University of North Carolina School of Law (J.D., 2008). In law school, Mr. Liles focused on public interest law and was a Board Member of the UNC Pro Bono Program. Mr. Liles organized and led several groups to New Orleans to address the legal issues during the Hurricane Katrina recovery. Mr. Liles was recognized for his exemplary public service by the Louisiana State Supreme Court for his contributions to the recovery efforts.

During law school Mr. Liles was on the Holderness Moot Court. Mr. Liles also worked on the North Carolina Journal of International Law and Commercial regulation and is the author of *Did Kim Jong-Il Break the Law? A Case Study on How North Korea Highlights the Flaws of the Non-Proliferation Regime*, 33 N.C. J. Int'l L. & Com. Reg. 103 (Fall 2007).

Mr. Liles is admitted to practice in the state of North Carolina.

### **Christopher Lometti**

Christopher Lometti joined Cohen Milstein in 2009 as Of Counsel. Prior to that time, he was a member of Schoengold Sporn Laitman & Lometti, P.C. ("SSLL"), where he practiced for more than thirteen years in the area of securities class action litigation.

While at SSLL, Mr. Lometti oversaw the firm's institutional client development efforts. Under his supervision, the firm established relationships with dozens of Taft-Hartley pension and benefit funds whom the firm represented in numerous securities class action lawsuits over the years. In addition, Mr. Lometti participated in the litigation of many of these and other cases while at his former firm, including WorldCom, Bank One, USN Communications, Nicor, PNC, Westar, SpectraVision and SPX.

*In re WorldCom, Inc. Securities Litigation*, 02-CV-3288 (S.D.N.Y.), Mr Lometti represented an additional named plaintiff and certified class representative with a significant financial interest in WorldCom bonds. That case was settled in 2005 for over \$6.15 billion, the second-largest securities fraud settlement of all time. A majority of the settlement proceeds in the WorldCom case was allocated to the bond claims of Mr. Lometti's client. In addition, in *In re Nicor Securities Litigation*, 02-CV-5168 (N.D. Ill.), Mr Lometti represented a Taft-Hartley pension and benefit fund as sole lead counsel. Despite the fact that the case asserted claims under Section 10b of the Securities Exchange Act of 1934 which centered on complex accounting rules governing the financial reporting of natural gas leases, the case was eventually settled for \$39 million.

Prior to SSSL, Mr. Lometti was associated with Shea & Gould, a large New York City-based commercial litigation firm, where he practiced in the Litigation Department. While there, he represented an array of clients, including several Fortune 500 companies, in a wide variety of commercial litigation disputes, including SEC investigations and enforcement proceedings, securities class actions and ERISA matters.

In addition to serving as a commercial mediator for the New York State Unified Court system for many years, Mr. Lometti has served as an arbitrator for the New York Stock Exchange and the National Association of Securities Dealers since approximately 1991.

Mr. Lometti received a Bachelor of Arts from Fordham College in 1983, and his J.D. from Fordham Law School in 1986. He is a member of the New York State Bar Association and the Association of the Bar of the City of New York.

Mr. Lometti is admitted to practice in the State of New York, and is resident in the firm's New York office.

#### **Douglas J. McNamara**

Douglas McNamara, Of Counsel at the Firm, joined Cohen Milstein in 2001 as a member of the Antitrust and Consumer Protection & Unsafe Products practice groups.

Mr. McNamara has worked on numerous cases involving dangerous pharmaceuticals and medical devices, light cigarettes, defective consumer products, and environmental torts.

Prior to joining Cohen Milstein, Mr. McNamara was a litigation associate at Arnold & Porter, specializing in pharmaceutical and product liability cases. He started his career at New York City's Legal Aid Society, defending indigent criminal defendants at trial and on appeal.

He has authored two law review articles: *Buckley, Imbler and Stare Decisis: The Present Predicament of Prosecutorial Immunity and An End to Its Absolute Means*, 59 Alb. L. Rev. 1135 (1996); and *Sexual Discrimination and Sexual Misconduct: Applying New York's Gender-Specific Sexual Misconduct Law to Minors*, 14 Touro L. Rev. 477 (Winter 1998). He is presently teaching a course on environmental and toxic torts as an adjunct at George Washington University School of Law.

Mr. McNamara graduated from SUNY Albany with a B.A. in Political Science (*summa cum laude*, 1992) and New York University School of Law (J.D., 1995).

Mr. McNamara is admitted to practice in New York and the District of Columbia.

#### **Betsy A. Miller**

Betsy A. Miller joined the firm as Of Counsel in 2009 and is a member of the Public Client practice group.

Named one of Washington's *Top 40 Under 40 Rising Legal Stars* by the National Law Journal, Ms. Miller is an experienced labor, employment and commercial litigator. Currently, Ms. Miller represents state Attorneys General in investigations, litigation and enforcement actions involving fraudulent mortgage lending, unsafe and deceptive practices in the sale of prescription drugs, and

misclassification of independent contractors in violation of state tax and labor laws. In addition to government clients, Ms. Miller represents other public-sector clients, including non-profit organizations and labor unions, in their efforts to ensure enforcement of laws protecting workers and consumers.

Since 2001, Ms. Miller has served on the adjunct faculty of Georgetown University Law Center, where she teaches courses on mediation strategy and negotiation skills. Ms. Miller's dispute resolution experience also includes serving as a mediator, arbitrator, mediation coach and negotiation skills trainer. She has taught negotiation skills courses at Harvard Law School and for a variety of federal and state government clients, law firms, corporations and non-profit organizations. As a consultant for the Kennedy School of Government, Ms. Miller traveled to Central America to evaluate mediation and arbitration programs in Guatemala, Costa Rica, El Salvador and Nicaragua.

Prior to joining Cohen Milstein, Ms. Miller served as the Chief of Staff and Senior Counsel to Linda Singer, the former Attorney General for the District of Columbia. In that capacity, Ms. Miller managed high-profile legal issues and policy initiatives for the Attorney General and was the Mayor's lead labor and employment lawyer overseeing the transition of the D.C. Public Schools to mayoral control. Ms. Miller also supervised the General Counsels' offices of three District agencies, including the D.C. Public Schools and the Office of the State Superintendent for Education. Her other government experience includes serving as Counsel to the U.S. Senate Committee on the Judiciary, where she worked for Chairman Patrick J. Leahy (VT), and clerking for the Honorable Thomas Penfield Jackson in the U.S. District Court for the District of Columbia. In addition, Ms. Miller spent seven years as a litigator in the private sector, working for Jones Day and Crowell & Moring, LLP.

Ms. Miller's recent publications include "Untapped Potential: Creating a Systematic Model for Mediation Preparation," *Dispute Resolution Journal* (May-August, 2009) and "WARNings for Firms Facing Layoffs or Bankruptcy," *Law360* (January, 2009).

Ms. Miller received her undergraduate degree in Comparative Literature from Dartmouth College, *magna cum laude* and Phi Beta Kappa (A.B., 1996). She received her law degree from Harvard Law School, where she was an editor on the Harvard Human Rights Journal and the Harvard Latino Law Review (J.D., 1999). After graduating, Harvard awarded Ms. Miller the Heyman Fellowship for government service and academic excellence and the Kaufman Fellowship for public service.

Ms. Miller is admitted to practice in Massachusetts and the District of Columbia.

#### **Stefanie M. Ramirez**

Stefanie M. Ramirez joined Cohen Milstein as an Associate in 2010. She is a member of the Consumer Protection & Unsafe Products practice group.

Prior to joining the firm, Ms. Ramirez was an associate in the litigation departments of Tannenbaum Helpen Syracuse & Hirschtritt LLP and Proskauer Rose LLP, both in New York, NY. Her practice primarily focused on commercial litigation, labor and employment, bankruptcy, securities, intellectual property and class actions. While in law school, Ms. Ramirez worked as a legal intern at the Alabama American Civil Liberties Union (ACLU).

Ms. Ramirez received her undergraduate degree from the University of Alabama (B.A., *summa cum laude*, 2004) and her graduate degree in English from the University of Alabama (M.A., 2004). She received her law degree from Columbia University School of Law (J.D., 2007), where she was Membership Chair of the Columbia Law Students for Choice, served on the staff of the Journal of Gender and Law, and was a three-time recipient of the Thomas G. Shearman Scholarship.

Ms. Ramirez is admitted to practice in New York, the United States District Court for the Southern District of New York, and the United States District Court for the Eastern District of New York. Her admission to the D.C. Bar is pending.

#### **Daniel B. Rehns**

Daniel B. Rehns joined Cohen Milstein as an Associate in 2009 and is a member of the Securities Fraud/Investor Protection practice group. Prior to that time, Mr. Rehns was an Associate at Schoengold Sporn Laitman & Lometti, P.C. (“SSLL”), where he practiced in the areas of securities fraud and consumer class action litigation since 2007.

While at SSLL, Mr. Rehns devoted his practice to the representation of individual and institutional shareholders who had been injured as the result of corporate fraud or corporate malfeasance. Notably, Mr. Rehns represented numerous Taft-Hartley pension funds in securities class actions suits arising from material misstatements in Registration Statements and Prospectuses issued in connection with purchases of Mortgage-Backed Securities (MBS) collateralized by “toxic loans,” including sub-prime, Alt-A and other fraudulently originated mortgages. In addition, Mr. Rehns represented a Taft-Hartley pension fund in a securities fraud class action against SPX Corporation arising from material misrepresentations about SPX’s business segments, free cash flow, and \$45 million of alleged insider sales in the weeks leading up to SPX’s negative disclosure. This matter was successfully litigated and resulted in a \$10 million cash settlement.

Mr. Rehns has also represented classes of consumers of both manufactured and banking products who had purchased defective products or had been defrauded by unfair business practices.

Mr. Rehns earned his Juris Doctorate from New York Law School in 2005 as a Dean’s List recipient. While in law school, Mr. Rehns participated in Froessel Moot Court and was a member of the New York Law School Corporate & Business Law Society. Notably, Mr. Rehns co-authored the first edition of West’s Nutshell on Corporate Financial Law.

Prior to law school, Mr. Rehns received a Bachelor of Arts from Bucknell University in 2002, with a double major in Economics and Finance, and minors in Legal Studies and Philosophy. Mr. Rehns was involved in several school and philanthropic groups, including Sigma Alpha Epsilon Fraternity, Big Brothers/Big Sisters of America and the Dean’s Student Alumni Association.

Mr. Rehns is a resident of Cohen Milstein’s New York office.

#### Admissions and Affiliations

- New York State
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York

- United States District Court for the District of New Jersey
- American Bar Association
- New York State Bar Association

#### **Kenneth M. Rehns**

Kenneth M. Rehns joined Cohen Milstein as an Associate in April 2009 and is a member of the Securities Fraud/Investor Protection practice group. Prior to joining Cohen Milstein, Mr. Rehns was an Associate at Schoengold Sporn Laitman & Lometti, P.C. ("SSL") where he practiced in the area of securities fraud.

Mr. Rehns earned his law degree from Syracuse University College of Law in 2008 graduating cum laude. While in law school, Mr. Rehns was an associate editor on two of the School's academic journals, *The Syracuse Journal of International Law and Commerce* and *The Digest*. Mr. Rehns was also a member of the Syracuse University Community Development Law Clinic where he assisted several not-for-profit organizations attain tax-exempt status and served as general counsel to both for-profit and not-for-profit businesses. During the summer of 2007, Mr. Rehns worked at Cohen Milstein in the firm's International Group.

Before law school, Mr. Rehns received a Bachelor of Business Administration from The George Washington University in 2005, graduating cum laude, with a concentration in Business, Economics and Public Policy and a minor in Economics.

Mr. Rehns is a resident of Cohen Milstein's New York office.

#### Admissions and Affiliations

- State of New York
- State of New Jersey
- United States District Court for the Southern District of New York
- United States District Court for the District of New Jersey
- New York State Bar Association
- New York County Lawyers Association

#### **Bruce F. Rinaldi**

Bruce Rinaldi joined the Firm in 2004 as Of Counsel and is a member of the Employee Benefits practice group.

After clerking for United States District Judge James A. Walsh in Tucson, Arizona, Mr. Rinaldi taught at the University of Arizona School of Law and was in private practice in Tucson before serving as a Special Counsel in the Office of the General Counsel at the Securities and Exchange Commission. In 1979 he joined the Special Litigation Division in the Office of the Solicitor of Labor as Supervisory Trial Attorney, where he ran the litigation of *Donovan v. Fitzsimmons* (N.D. Ill.), negotiating and drafting a consent decree governing the management of billions of dollars in assets of the Teamsters Central States Pension Fund, which remains in effect today. Mr. Rinaldi also conducted a four month trial of allegations of ERISA fiduciary breaches with respect to the Teamsters Central States Health and Welfare Fund in *Brock v. Robbins* (D.C. N.D. Ill.).

In 1985 Mr. Rinaldi became the Senior Trial Attorney in the Plan Benefits Security Division of the Department of Labor. Mr. Rinaldi litigated a wide range of major fiduciary breach cases brought by the Secretary of Labor under ERISA including the seminal case of *Reich v. Valley National Bank* (S.D.N.Y.), concerning fiduciary breaches in the acquisition of employer stock by an ESOP. In 1989 Mr. Rinaldi joined the Office of Thrift Supervision (“OTS”) as the Associate Chief Counsel for Litigation and directed investigations and enforcement actions under the Financial Institutions Reform, Recovery, and Enforcement Act (“FIRREA”) for fiduciary breaches arising out of failures of thrifts and savings and loan organizations. He directed all of the enforcement actions taken by the OTS against officers, directors, accountants, and attorneys associated with Lincoln Savings and Loan Association, the largest thrift failure in history. See *In re American Continental Corp./Lincoln Sav. & Loan Securities Litigation* (D.C. Ariz.).

In 2000, Mr. Rinaldi left the government for private practice. As the senior litigator at the McTigue Law Firm, Mr. Rinaldi was responsible as co-lead counsel for several cases, including the approved settlement of a case against the fiduciaries of the Morrison Knudson 401(k) plan; *In re McKesson HBOC, Inc. ERISA Litigation* (N.D. Cal.); and *In re CMS Energy ERISA Litigation* (E.D.Mich.).

Mr. Rinaldi earned a B.A. in Political Science from the University of California at Berkeley in 1969, after spending three years as a Peace Corps volunteer in Venezuela, and then received his law degree from the University of California at Davis (King Hall) in 1972.

Mr. Rinaldi is admitted to practice in the District of Columbia and is an inactive member of the Arizona and California Bars.

#### **Sharon K. Robertson**

Sharon K. Robertson joined Cohen Milstein as an Associate in 2007 and is a member of the Antitrust practice group.

Ms. Robertson currently represents Registered Nurses employed by hospitals in Albany, Detroit and Memphis in lawsuits alleging that their employers unlawfully fixed their wages in violation of federal antitrust laws. Ms. Robertson is also working on *In re Urethane Antitrust Litigation (Polyether Polyol Cases)* (D. Kan.), where she represents a class of direct purchasers of several types of chemicals who allegedly were overcharged as a result of a nationwide price-fixing and market allocation conspiracy. One defendant, Bayer, already has settled for \$55.3 million and is providing cooperation pursuant to its obligations under the settlement agreement.

Ms. Robertson also represents Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the defendant’s security forces (a unit of the Indonesian military).

Before attending law school, Ms. Robertson worked on the campaign committee of Councilman John Liu, the first Asian-American to be elected to New York City’s City Council.

During law school, Ms. Robertson served as an Alexander Fellow. In that capacity, she spent a semester interning full-time for the Honorable Shira A. Scheindlin, United States District Court for the Southern District of New York. She was also an intern in the Litigation Bureau of the Office of the New York State Attorney General and the United States Court of Appeals for the Second Circuit.

Ms. Robertson graduated from the State University of New York at Binghamton, where she received a B.A. in Philosophy, Politics and Law (*magna cum laude*, 2003). She received her law degree from the Benjamin N. Cardozo School of Law (J.D., 2006). She served as Notes Editor of the Cardozo Public Law, Policy and Ethics Journal.

Ms. Robertson is admitted to practice in New York and New Jersey.

**Peter Romer-Friedman**

Peter Romer-Friedman joined Cohen Milstein in 2009 as an Associate and is a member of the Civil Rights and Employment Practice Group.

Prior to joining the firm, Mr. Romer-Friedman served as labor counsel for the U.S. Senate Committee on Health, Education, Labor and Pensions and its Chairman, Senator Edward M. Kennedy. Mr. Romer-Friedman assisted Chairman Kennedy and other Senators in drafting legislation, speeches, and regulatory comments, and holding hearings on a range of labor, employment, and civil rights issues.

Prior to his work in the Senate, Mr. Romer-Friedman served as a law clerk to the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit in Los Angeles.

Mr. Romer-Friedman graduated from the University of Michigan at Ann Arbor with a B.A. in Honors Economics and Social Science (*cum laude* and Phi Beta Kappa, 2001) and Columbia Law School (J.D., 2006), where he was a James Kent Scholar and a Harlan Fiske Stone Scholar. While at Columbia, Mr. Romer-Friedman served as managing editor of the Columbia Journal of Law & Social Problems, authored a Note, Eliot Spitzer Meets Mother Jones: How State Attorneys General Can Enforce State Wage and Hour Laws, 39 Colum. J.L. & Soc. Probs. 495 (2006), and was as an extern to the Honorable Shira Scheindlin, U.S. District Court for the Southern District of New York. In addition, he was the recipient of the Emil Schlesinger Labor Prize and the ABA-BNA Award for Excellence in the Study of Labor and Employment Law.

While at Michigan, he received the national Harry S. Truman Scholarship for Public Service and co-founded the Worker Rights Consortium, a non-profit organization that monitors labor rights in apparel factories worldwide.

Prior to law school, Mr. Romer-Friedman was a Legislative Representative for the United Steelworkers of America, and worked for several other labor organizations, including the AFL-CIO, UNITE!, and SEIU.

Mr. Romer-Friedman is admitted to practice in New York, and is practicing under the supervision of Joseph M. Sellers, a member of the D.C. Bar.

**Abby Shafroth**

Abby Shafroth joined Cohen Milstein as an Associate in 2010 and is a member of the Civil Rights & Employment practice group.

Prior to joining the firm, Ms. Shafroth was a fellow and associate counsel for the Lawyers' Committee for Civil Rights Under Law in the Fair Housing and Employment Discrimination Projects, where she litigated complex civil rights cases challenging exclusionary zoning and employment discrimination.

She also served as a law clerk for the Honorable Richard A. Paez of the United States Court of Appeals for the Ninth Circuit.

Ms. Shafroth graduated from Harvard College with an A.B. in Psychology (*cum laude*, 2004) and Harvard Law School (*cum laude*, 2008). During law school, Ms. Shafroth served as Articles Editor for the *Harvard Law Review* and as Editor for the *Civil Rights - Civil Liberties Law Review*. She also assisted in the employment civil rights group at the WilmerHale Legal Services Center and worked with Ghana Legal Services in studying local health care delivery in rural Ghana. In addition, Ms. Shafroth spent summers working with the Lawyers' Committee for Civil Rights Under Law, Covington & Burling, and the Civil Rights Bureau of the New York State Office of the Attorney General.

Ms. Shafroth is admitted to the New York State Bar and she is practicing under the supervision of Joseph M. Sellers, a member of the D.C. Bar.

### **John Sifton**

John Sifton is the Director of Investigations at Cohen Milstein. He joined the firm in 2010 and is currently working with all of the firm's practices.

Mr. Sifton is an attorney and private investigator. He has experience conducting investigations in the United States and in the Middle East, Asia, and Europe.

Prior to working at Cohen Milstein, Mr. Sifton served as the executive director of One World Research, a public interest research firm, from 2007 to 2010. He also worked at Human Rights Watch from 2001 until 2007: from 2005 to 2007 as the Senior Researcher on Terrorism and Counterterrorism, focusing on the Middle East, South Asia, and Europe, and from 2001 to 2004 as a researcher in Human Rights Watch's Asia Division, focusing on Afghanistan, India and Pakistan. Mr. Sifton worked in 2000 and 2001 for a humanitarian organization, primarily in Afghanistan and Pakistan, and in 1999 for a refugee advocacy organization in Albania and Kosovo.

He has written extensively on human rights, humanitarian aid, security, terrorism and counterterrorism, publishing articles in the *International Herald Tribune*, *Slate*, *Salon*, and the *New York Times Magazine* and *New York Times Book Review*. He has testified in the U.S. Congress and before European Parliament and Council of Europe committees.

Mr. Sifton is a graduate of New York University School of Law (JD), with honors, and St. John's College, Annapolis (BA), with honors.

He is admitted to practice in New York and the United States District Court for the Southern District of New York. He is licensed as a private investigator in New York and the District of Columbia.

### **Richard A. Speirs**

Richard A. Speirs joined Cohen Milstein as Of Counsel in 2010 and is a member of the Securities Fraud/Investor Protection practice group. For the past ten years, Mr. Speirs was a partner at Zwerling, Schachter & Zwerling, LLP.

At his former firm, Mr. Speirs served as lead or co-lead counsel in numerous securities fraud class actions throughout the United States. Mr. Speirs successfully litigated numerous national securities

class actions as lead counsel, achieving significant recoveries for investors. Mr. Speirs was also lead or co-lead attorney in several cases where the court issued a seminal decision involving the following subjects: (i) the improper grouping of unaffiliated investors in a lead plaintiff motion; (ii) recommendation of default sanction against auditing firm for discovery misconduct involving electronic audit workpapers; and (iii) the liability under Section 10(b) of a non-issuer for disclosures made by the issuer. Among the successful cases litigated by Mr. Speirs are: *In re BP Prudhoe Bay Royalty Trust Securities Litigation*, (W.D. Wa.) (\$43.5 million recovery); *In re First BanCorp Securities Litigation*, (D.P.R.) (\$74.5 million recovery); *In re Telxon Corp. Securities Litigation*, (N.D. Ohio) (\$40 million recovery); and *Hayman v. PricewaterhouseCoopers, LLP*, (N.D. Ohio) (\$27.9 million recovery). Mr. Speirs has over twenty years of experience representing investors in cases involving complex financial, accounting and auditing issues. He has also represented investors who were victims of fraudulent Ponzi schemes and the sale of unregistered securities. Mr. Speirs also has substantial experience in stockholder litigation involving corporate takeovers and in derivative actions.

Mr. Speirs was admitted to the bar of the State of New York in 1986; he is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Second, Ninth and Tenth Circuits. He is a member of the New York State Bar Association. In January 2007 Mr. Speirs was a panelist at the Public Funds Summit and spoke on the topic of *Alternative Investments: Regulatory Landscape and Lessons from the Ashes*.

Education: Brooklyn College of the City University of New York in 1976 cum laude; Brooklyn Law School J.D. 1985 (Order of the Coif).

### **Robyn Swanson**

Robyn Swanson joined Cohen Milstein as an Associate in 2010 and is a member of the Employee Benefits practice group.

Prior to joining the firm, Ms. Swanson worked as a trial attorney in the Plan Benefits Security Division of the U.S. Department of Labor, Office of the Solicitor. While there, she litigated actions brought by the Secretary of Labor under Title I of ERISA, obtaining significant recoveries for plan participants and beneficiaries in cases including *Solis v. Couturier* (E.D.Ca.) (\$12 million) and *Chao v. Magnuson* (N.D.N.Y.) (\$8.6 million). She also represented the Secretary as amicus curiae in matters involving novel and difficult ERISA issues before district courts and the Second, Sixth, Eighth, and Ninth Circuit courts of appeals. She received numerous Annual Achievement Awards from the Secretary for, among other things, her contributions in protecting participant standing to sue under ERISA and preventing the unlawful indemnification of plan fiduciaries.

Ms. Swanson began her legal career in the Department of Labor's Honors Program, where she was responsible for the enforcement and administration of a variety of labor statutes. During law school she worked at the National Center on Poverty Law, the Chicago Legal Clinic, and the Foundation for Human Rights Initiative in Uganda.

Ms. Swanson received her law degree from Northwestern University School of Law in 2004, where she received a certificate in recognition of her distinguished public service. She received her B.A. in International Studies (*cum laude*, Phi Beta Kappa) from the University of Washington.

Ms. Swanson is admitted to practice in Illinois. Her admission to the D.C. Bar is pending.

**Catherine A. Torell**

Catherine A. Torell is Of Counsel at Cohen Milstein. She joined the Firm in 2002 and is a member of the Securities Fraud/Investor Protection practice group.

Currently, Ms. Torell is involved in the *In re Parmalat Securities Litigation* (S.D.N.Y.) in which Cohen Milstein serves as co-lead Counsel. She also conducts investigations of securities fraud cases for the practice group, working with all of its litigators.

Prior to joining Cohen Milstein, Ms. Torell was associated with the firm of Entwistle & Cappucci LLP, where she served as one of co-lead counsel in *In re Providian Financial Securities Litigation* (\$38 million settlement). In approving the settlement, the Court remarked on the "extremely high quality" and "skill and efficiency" of plaintiffs' counsel's work throughout the litigation. Ms. Torell also was previously associated with Goodkind Labaton Rudoff & Sucharow LLP, where she served as counsel to the New York City Pension Funds in *In re Orbital Sciences Corp. Securities Litigation* (\$22.5 million settlement), and was a key member of the litigation team that successfully resisted defendants' efforts to dismiss the case. Ms. Torell also served as counsel to the Florida State Board of Administration in *LaPerriere v. Vesta Insurance Group, et al.*, and as counsel to Amalgamated Bank of New York in *In re Bristol-Myers-Squibb Securities Litigation* (\$61 million settlement).

Ms. Torell received a B.A. in Political Science from Stony Brook University (1984) and her law degree from St. John's University School of Law (1990) where she was the recipient of the Federal Jurisprudence Award.

Ms. Torell is admitted to practice in New York.

**Michelle C. Yau**

Michelle Yau joined Cohen Milstein as an Associate in August 2007 and is a member of the Employee Benefits practice group.

Prior to joining the firm Ms. Yau was an attorney in the Solicitor's Office of the U.S. Department of Labor, where she was responsible for the enforcement and administration of a variety of labor statutes. She started with the Department of Labor in the Honors Program where she was involved in several litigation matters, including the Department of Labor's Enron litigation alleging violations of ERISA. During law school Ms. Yau worked in the Employee Benefits and Executive Compensation Group of Shearman & Sterling, at the labor law firm of Segal Roitman & Coleman, and in the New York office of Tibetan Government in exile. Before law school, Ms. Yau worked as a financial analyst at Goldman, Sachs & Co. in the Financial Institutions Group of the Investment Banking Division.

Ms. Yau received her law degree from Harvard Law School in 2003, where was awarded several public interest fellowships, including the Heyman Fellowship for academic excellence and a demonstrated commitment to federal public service. Ms. Yau received a B.A. in Mathematics (with

distinction, 1997) from the University of Virginia, where she was a member of Phi Beta Kappa and Phi Mu Epsilon (mathematics honors fraternity). Ms. Yau was also selected as an Echols Scholar and awarded the Student Council Scholarship for leadership, academic achievement and community service.

Ms. Yau is admitted to practice in the District of Columbia, Massachusetts, and the United States Court of Appeals for the Fourth Circuit.

### **David Young**

David Young joined Cohen Milstein as an Associate in 2010. He is a member of the Antitrust practice group.

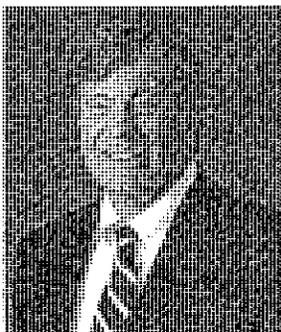
Prior to joining Cohen Milstein, Mr. Young practiced at Arnold & Porter LLP's and Heller Ehrman LLP's Washington, D.C. offices. His litigation practice focused on antitrust, trademark, business, and False Claims Act litigation. He represented the plaintiff in *U.S. ex rel. Loughren v. UnumProvident Corp.* (D. Mass), where a jury found that UnumProvident violated the False Claims Act by causing the submission of false claims for social security disability benefits. He also represented U.S. trademark holders suing to prevent the illegal importation of products bearing their marks in federal court and administrative actions, as well as pro bono clients in discrimination actions before the D.C. Circuit and D.C. District courts. While in law school, Mr. Young worked as a legal intern at the Whitman-Walker Clinic in Washington, D.C.

Mr. Young graduated from Bridgewater College with a B.A. in Physics (2001) and from Harvard Law School (J.D., 2006), where he served as an Executive Editor for the *Harvard Civil Rights-Civil Liberties Law Review* and a research assistant for Professor Christine Jolls.

Mr. Young is admitted to practice in Washington, D.C. and New York, as well as in the U.S. Court of Appeals for the D.C. Circuit, the U.S. Court of Appeals for the Federal Circuit, and the U.S. District Court for the District of Columbia. He is a member of the ABA Section of Antitrust Law.



# HOWREY<sup>LLP</sup>



**Robert G. Abrams**  
Co-Chair, Global Litigation

Robert (Bob) Abrams is Co-Chair of Howrey's Global Litigation practice, a Fellow of the American College of Trial Lawyers, and has over 30 years of trial experience in cases involving antitrust, patents, trade secrets, dealer terminations, contract disputes, tortious interference and environmental issues. In recent years, Mr. Abrams has been lead counsel in lengthy jury trials focusing on, among other claims, antitrust, patent misappropriation and conversion, and copyright infringement. He was also co-counsel in a class action involving substantial and complex contract issues that was tried—and then retried—to a jury. Over his career, Mr. Abrams also was lead counsel in numerous other bench and jury trials and in governmental investigations initiated by DOJ, EPA and the California Air Resources Board.

Robert G. Abrams

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.6935  
f. +1 202.383.6610

AbramsR@howrey.com

**ADMISSIONS**  
District of Columbia

**EDUCATION**  
George Washington University  
Law School (JD, 1972), *cum laude*

*George Washington University  
Law Review, Managing Editor  
(1971-72)*

Colgate University (BA, 1968)

**CLERKSHIP**  
Hon. William E. Doyle, United  
States Court of Appeals for the  
Tenth Circuit (1972-1973)

In the appellate area, Mr. Abrams has argued in most of the US Courts of Appeal. Most recently, Mr. Abrams argued before the Ninth Circuit, which affirmed the lower court's dismissal of a highly publicized suit under the Alien Torts Claims Act: *Corrie v. Caterpillar Inc.*, No.05-36210, DC No. CV-05-05192-FDB (9th Cir. Sept. 17, 2007).

## REPRESENTATIVE MATTERS

- *HotSamba Inc. v. Caterpillar Inc.* Plaintiff HotSamba sought damages of more than \$420 million from Caterpillar based on claims of breach of a software license agreement, copyright infringement and misappropriation of trade secrets. Caterpillar pursued counterclaims of \$2 million for breach of contract and fraud. The jury returned a verdict in favor of HotSamba for \$5.5 million and in favor of Caterpillar for \$500,000.
- *Caterpillar Inc. v. Sturman Industries et al. (Sturman Jury Trial I)*. Caterpillar filed suit alleging ownership and inventorship of patents issued to Sturman, misappropriation of trade secrets and conversion of various patent rights. The jury found for Caterpillar, and the court ordered a constructive trust imposed over the two patents and ordered Sturman to specifically perform the contract by assigning to Caterpillar the entire right, title and interest in both patents and the applications from which they were derived.
- *Caterpillar Inc. v. Sturman Industries et al. (Sturman Bench Trial)*. During the first jury trial, after the jury left for the day, the court conducted a bench trial regarding Sturman's inventorship claim involving a Caterpillar patent. The trial court rendered a decision in Sturman's favor, with no money damages. Caterpillar appealed, and

Robert G. Abrams

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.6935  
f. +1 202.383.6610

AbramsR@howrey.com

the Federal Circuit reversed and rendered judgment in Caterpillar's favor.

- *Caterpillar Inc. v. Sturman Industries et al. (Sturman Jury Trial II)*. After a prior jury verdict was reversed and remanded for a new trial, the jury again found for Caterpillar and the district court again ordered a constructive trust imposed over the two patents, and further ordered Sturman to specifically perform the contract by assigning to Caterpillar the entire right, title and interest in the two patents and the applications from which they were derived.
- *Allapattah Services, Inc. et al. v. Exxon Corp.* Represented Exxon in a class action brought by service station dealers alleging breach of contract involving Exxon's Discount for Cash Marketing Program. The plaintiffs sought \$1 billion in damages, including interest. The first trial of this case resulted in a hung jury; the retrial resulted in a verdict for the plaintiffs.
- *Godix Equipment Export Corp., et al. v. Caterpillar Inc.* Plaintiffs alleged violations of Sherman Act sections 1 and 2, claiming that Caterpillar dominated the replacement parts business for Caterpillar machines by eliminating parts competitors while seeking to raise prices. The court directed a verdict in favor of Caterpillar on the antitrust claims, and the jury returned a verdict for Caterpillar on the remaining state law claims. The verdict was affirmed on appeal.

#### COURTS & ADJUDICATIVE BODIES

- United States District Court for the District of Colorado
- United States District Court for the District of Columbia
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Federal Circuit
- United States Court of Federal Claims
- United States Supreme Court

Robert G. Abrams

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.6935  
f. +1 202.383.6610

AbramsR@howrey.com

#### PROFESSIONAL AFFILIATIONS

- Fellow, American College of Trial Lawyers
- Member, American Bar Association, Litigation, Antitrust, Intellectual Property Litigation Sections

#### PRO BONO

- Bob Abrams has always been a strong supporter of Howrey's *pro bono* program. Recently he has worked to establish a groundbreaking *pro bono* partnership in which Caterpillar in-house attorneys and Howrey attorneys work together on matters for *pro bono* clients. He was also the co-chair of the *Pro Bono* Institute's Annual Gala in 2007.



Gregory J. Commins Jr

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.6963  
f. +1 202.383.6610

ComminsG@howrey.com

**ADMISSIONS**  
District of Columbia  
New York

**EDUCATION**  
Georgetown University Law  
Center (JD, 1990), *magna cum  
laude, Order of the Coif*  
  
*Georgetown Journal of Legal  
Ethics, Executive Editor (1989-90)*  
  
Cornell University (BA, 1987)

## Gregory J. Commins Jr

Partner

Gregory Commins Jr. is a Partner in the Global Litigation practice group and serves as a Co-Chair of the Commercial Trial practice. Mr. Commins, an established trial lawyer, has successfully represented clients in complex litigation, in multi-week trials and on appeal in both state and federal courts across the country.

Mr. Commins specializes in complex litigation involving antitrust class action litigation; intellectual property disputes, such as trade secret misappropriation, copyright infringement, and patent infringement claims; product liability class actions; environmental claims; and other commercial issues such as breach of contract, fraud and tortious interference claims. Most recently, he was counsel in two five-week jury trials involving successful prosecution of breach of contract and trade secret misappropriation, claims involving proper ownership and inventorship of fuel injector patents, and a four-week jury trial involving copyright infringement, trade secret misappropriation and breach of contract claims.

In addition to his integral role in Howrey's Commercial Trial practice, Mr. Commins has also defended companies investigated by federal and state regulatory agencies, and provided antitrust and environmental counseling to his clients.

### REPRESENTATIVE MATTERS

- *In re Southeastern Milk Antitrust Litigation.* Currently representing a putative class of Southeastern dairy farmers alleging antitrust violations concerning horizontal price fixing, market allocation and agreements not to compete, as well as monopolization, attempt to monopolize and breach of contract.
- *WiAV Solutions, LLC v. Motorola, et al.* Representing Motorola in a patent infringement lawsuit involving nine patents asserted against WCDMA and GSM technology. Obtained dismissal of seven of the nine asserted patents for lack of standing, stipulation of non-infringement of one patent following the Court's Markman ruling, and summary judgment of no-presuit damages based on Plaintiff's failure to mark under 35 U.S.C. 287(a).
- *SPH America, LLC v. Acer Corp.* Representing Motorola in a patent infringement lawsuit asserted against WCDMA and CDMA2000 technology.

Gregory J. Commins Jr

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.6963  
f. +1 202.383.6610

ComminsG@howrey.com

- *Innovative Global Solutions v. Volvo Construction Equipment, et al.* Representing Caterpillar in patent infringement lawsuit involving vehicle tracking technology.
- *MLR, LLC v. Motorola, Inc.* Represented Motorola in patent infringement lawsuit involving multi-mode phones and network selection criteria.
- *Caterpillar v. Sturman Industries, et al.* Served as counsel in two five-week jury trials involving successful prosecution of breach of contract and trade secret misappropriation claims involving proper ownership and inventorship of fuel injector patents. Successfully moved for summary judgment against defendants' counterclaims for breach of contract, trade secret misappropriation and fraud.
- *Caterpillar Inc. v. Navistar International Transportation Corp., International Truck and Engine Corporation, Newstream Eternprises, LLC, Sturman Industries, Inc., and Sturman Engine Systems, LLC.* As counsel to Caterpillar, obtained favorable settlements in multiple lawsuits against International Truck & Engine, Siemens and Sturman, involving claims of breach of contract, breach of license agreements, tortious interference, trade secret misappropriation, and fraud. Handled similar matters for Caterpillar against these parties in multiple federal districts (patent infringement cases), Illinois state court (breach of contract claims) and before the PTO (separate interference and re-examination proceedings).
- *HotSamba Inc. v. Caterpillar.* Served as counsel in a four-week jury trial involving claims of copyright infringement and breach of contract involving software. Following trial, the parties settled the case.
- *Lear Siegler v. Dynacorp et al.* Acted as counsel in a bench trial, successfully sought a preliminary injunction against trade secret misappropriation in a case involving provision of technical support services to the Royal Saudi Air Force.
- *Godix Equipment Export Corp. v. Caterpillar Inc.* As counsel in a six-week jury trial, successfully defended against antitrust, fraud and misrepresentation claims based on a manufacturer's export restrictions that were promulgated in order to support overseas distributors and customers. Successfully moved for judgment as a matter of law on the antitrust claims at the close of all of the evidence. The jury returned verdicts in favor of Caterpillar on all remaining claims. Successfully defended the judgment on appeal.

#### COURTS & ADJUDICATIVE BODIES

- United States District Court for the District of Colorado
- United States District Court for the District of Columbia

Gregory J. Commins Jr

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.6963  
f. +1 202.383.6610

ComminsG@howrey.com

- United States District Court for the Central District of Illinois
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Federal Circuit

**PROFESSIONAL AFFILIATIONS**

- Member, American Bar Association

**PRO BONO**

- Archdiocesan Legal Network.

**PUBLICATIONS & SPEAKING ENGAGEMENTS**

**SPEECHES**

"What Are the Legal Relationships Between the Parties in the London Insurance Market." Executive Enterprises, Inc., New York, NY (1993). Presented with John E. Heintz.

**HOWREY**

Robert L. Green

Partner

Robert L. Green

1299 Pennsylvania Ave NW  
 Washington, DC 20004  
 t. +1 202.383.6506  
 f. +1 202.383.6610

GreenR@howrey.com

**ADMISSIONS**

District of Columbia  
 Maryland

**EDUCATION**

University of Maryland School of  
 Law (JD, 1976)

*Maryland Law Review*, Managing  
 Editor (1975-1976)

University of Pennsylvania (BS,  
 1973)

**CLERKSHIP**

Hon. C. Stanley Blair, United  
 States District Court for the  
 District of Maryland (1976-1977)

Robert Green has represented clients in a wide variety of antitrust, commercial litigation and arbitration matters, involving agricultural commodities, consumer goods, computer software, transportation, raw materials and industrial equipment. Mr. Green has represented class and non-class action plaintiffs in successful plaintiffs' litigation. Mr. Green's work for antitrust defendants has included obtaining summary judgment following certification of a national plaintiff class, obtaining affirmance in the Court of Appeals of summary judgments, and several multi-week trials. Mr. Green's work for imported automobile manufacturers has included antitrust, dealer termination, trademark, defamation, state motor vehicle franchise law, tortious interference, and breach of contract cases nationwide. He has represented trademark owners in Lanham Act cases and obtained injunctions prohibiting the unauthorized use of registered trademarks. His trademark cases have involved false advertising, commercial disparagement, trademark dilution and unfair competition claims.

**REPRESENTATIVE MATTERS**

- *DeLoach v. Philip Morris Co., et al.* Co-counsel on behalf of tobacco farmers and quota holders against domestic cigarette manufacturers and leaf dealers. Plaintiffs alleged that defendants fixed prices and monopolized the market for tobacco purchased at auctions. Plaintiff class of over 400,000 members obtained settlements exceeding \$230 million, long-term commitments to buy domestic tobacco and participation in the effort to obtain a historic buyout of Depression-era tobacco quotas valued in excess of \$10 billion.
- *In re Baby Food Antitrust Litigation.* Participated in the successful defense of H.J. Heinz Company in a nationwide class action alleging a conspiracy to fix wholesale prices of baby food. Was involved in all aspects of the case and had primary responsibility for discovery against class plaintiffs' experts. Following entry of summary judgment for all manufacturers, the Third Circuit affirmed the district court's judgment.
- *In re Lower Lake Erie Iron Ore Antitrust Litigation.* Served on a trial team that represented LTV Steel and Wheeling-Pittsburgh Steel in a monopolization case brought against railroads that controlled the handling and transportation of iron ore moving through Lake Erie ports to steel mills in Ohio and Pennsylvania. Following an 11-week trial, the district court entered a \$504 million judgment for the firm's steel company clients. The judgment was affirmed on appeal, and the Supreme Court denied review.

Robert L. Green

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.6506  
f. +1 202.383.6610

GreenR@howrey.com

- *Universal Computer Systems, Inc. v. Volvo Cars of North America, Inc.* Represented Volvo Cars in an antitrust and tortious interference case brought by a computer software company. The district court granted summary judgment against plaintiff on all claims. Argued successful appeal in the Fifth Circuit.
- *Westbard Apartments LLC v. Westwood Joint Venture.* Represented a pension fund in a multi-million-dollar, multi-party breach of fiduciary duty, fraud and breach of contract action arising from diversion of corporate opportunity by a managing member of a limited liability corporation.
- *Mazda Motor of America, Inc. v. College Park Motors, Inc.* Represents an automobile manufacturer in a breach of contract action against a car dealer arising from the dealer's breach of a prior settlement agreement.
- *Cauderlier Associates, Inc. v. Zambrana.* Represents a plaintiff closely-held corporation in a declaratory judgment arising from the defendant's assertion of an ownership interest in the company.
- *Air & Gas Technologies, Inc. v. Atlas Copco Compressors, Inc.* Represented a compressor manufacturer in a wrongful termination case alleging violations of the New Jersey Franchise Practices Act, breach of contract and fraud. Following vacatur and modification of an *ex parte* temporary restraining order and denial of plaintiff's preliminary injunction motion, the plaintiff's distributorship was terminated.
- *Volvo Cars of North America, Inc. v. Midwest Automotive III, L.L.C.* Represented an automobile manufacturer in an administrative challenge to the unapproved sale of an automobile dealership. Mr. Green also represented the manufacturer in a related Lanham Act and breach of contract action arising from the same transaction.
- *Nemet v. Volvo Cars of North America, Inc.* Represented an automobile manufacturer in an action brought by dealers alleging violations of the New York Vehicle and Traffic Law, the Automotive Dealer Day in Court Act, breach-of-contract law and the Robinson-Patman Act. This action arose following plaintiffs' refusal to comply with the manufacturer's minimum standards for dealerships and to participate in voluntary dealer incentive programs.

#### COURTS & ADJUDICATIVE BODIES

- United States Supreme Court
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Third Circuit

Robert L. Green

1299 Pennsylvania Ave NW

Washington, DC 20004

t. +1 202.383.6506

f. +1 202.383.6610

GreenR@howrey.com

- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Federal Claims
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland

**PROFESSIONAL AFFILIATIONS**

- Member, American Academy of Appellate Lawyers

# HOWREY



Terry L. Sullivan

Partner

Terry Sullivan is a member of Howrey's Global Litigation practice group. She specializes in complex civil litigation and has represented clients in numerous matters, including class actions, involving alleged violations of antitrust, copyright and patent laws, and claims of breach of contract, fraud, trade secret misappropriation and tortious interference. Ms. Sullivan's representative clients include Fortune 500 companies in the petroleum and heavy equipment manufacturing industries. Ms. Sullivan has also represented *pro bono* clients in matters involving employment discrimination claims.

Terry L. Sullivan

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.6729  
f. +1 202.383.6610

SullivanT@howrey.com

#### ADMISSIONS

District of Columbia

#### EDUCATION

George Washington University  
Law School (JD, 1995)

Florida Institute of Technology  
(MBA, 1987)

University of Washington (BA,  
1983)

Ms. Sullivan specializes in cost-effective management of large cases to achieve the best result for Howrey's clients. Toward that end, she focuses on proactive management, rapid response to issues, and effective conflict resolution. Her hands-on approach to litigation permits her to be available virtually 24/7 to clients who have questions or require information.

#### REPRESENTATIVE MATTERS

- *Caterpillar Inc. v. International Truck & Engine*. Represented Caterpillar in litigation involving breach of contract, tortious interference and conspiracy claims. Settlement was reached in 2006 on Caterpillar's claims.
- *HotSamba, Inc. v. Caterpillar Inc.* Represented Caterpillar in litigation involving breach of contract, copyright infringement, trade secret misappropriation claims and breach of contract and fraud counterclaims. A three-week jury trial resulted in a verdict that facilitated an extremely satisfactory settlement on the plaintiffs' claims and Caterpillar's counterclaims.
- *Hingel v. Exxon Corp.* Represented Exxon in litigation involving antitrust and other state law claims brought by terminated dealers. A two-week jury trial resulted in the jury rejecting the antitrust claims and awarding a small judgment on one of the common law claims for one plaintiff.
- *U.S. v. Franklin Electric Co.* Represented parties to a proposed joint venture. A two-week bench trial was conducted on the US Department of Justice's request for a permanent injunction.
- *Allapattah Services, Inc. v. Exxon Corp.* Represented Exxon in a dealer class action claiming breach of contract. A trial in the Southern District of Florida ended in a hung jury. Retrial in 2001 resulted in a

Terry L. Sullivan

1299 Pennsylvania Ave NW  
Washington, DC 20004  
t. +1 202.383.6729  
f. +1 202.383.6610

SullivanT@howrey.com

finding on liability and denial by the court of a "common fund judgment" for the class. The matter is currently on appeal to the US Supreme Court.

- *Godix Equipment Corp. v. Caterpillar Inc.*, Represented Caterpillar in a private antitrust case challenging parts acquisition and distribution practices. After presentation of the case, Caterpillar prevailed on a JMOL motion on antitrust claims and obtained a jury verdict on state law claims.

#### COURTS & ADJUDICATIVE BODIES

- United States District Court for the District of Columbia
- United States Court of Appeals for the Fourth Circuit
- United States Court of Federal Claims

#### PROFESSIONAL AFFILIATIONS

- Member, American Bar Association, Litigation Section (1995–present)

#### PRO BONO

- *Johnson v. Circuit City Stores, Inc.*, Briefed and argued a Title VII race discrimination case involving a job applicant before the US District Court for the District of Maryland and US Court of Appeals for the Fourth Circuit.

#### PUBLICATIONS & SPEAKING ENGAGEMENTS

##### ARTICLES

"Who Put Poison in the Jury Pool?" *Litigation Management, The National Law Journal* (June 11, 2007).

"Technology in the Courtroom: A Powerful Tool." *Litig. & Tech. Suppl., Corp. Legal Times* (December 2000).

"The Future of State Unitary Taxation of Foreign-Owned U.S. Subsidiaries After Barclays Bank PLC v. Franchise Tax Board." *George Washington Journal of International Law & Economics* Vol. 28 (1995): 691.