

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

**IN RE THORNBURG MORTGAGE, INC.  
SECURITIES LITIGATION**

CASE NO. CIV 07-815 JB/WDS

THIS DOCUMENT RELATES TO:

ALL ACTIONS

**DECLARATION OF BETSY C. MANIFOLD IN SUPPORT OF  
CO-LEAD COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS' FEES  
AND REIMBURSEMENT OF EXPENSES FILED ON BEHALF OF  
WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP**

I, Betsy C. Manifold, declare as follows:

1. I am a partner of the law firm of Wolf Haldenstein Adler Freeman & Herz LLP. I submit this declaration in support of my firm's application for an award of attorneys' fees in connection with services rendered in the above-captioned litigation (the "Litigation") from the inception of this case through July 1, 2012 (the "Time Period"), as well as for reimbursement of expenses incurred by my firm in connection with the Litigation.<sup>1</sup>

2. My firm, which served as Co-Lead Counsel in this Litigation, was involved in all aspects of the prosecution of the Litigation and settlement reached with the Settling Defendants as set forth in the Joint Declaration submitted by Co-Lead Counsel in support of final approval of settlement, plan of allocation and application for an award of attorneys' fees and expenses.

3. The schedule attached hereto as Exhibit 1 is a summary indicating the amount of time spent by each attorney and professional support staff of my firm who was involved in this

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<sup>1</sup> Time and expenses incurred in connection with the ongoing appeal against the non-settling Underwriter Defendants are not reflected in this declaration.

Litigation during the Time Period, and the lodestar calculation is based on my firm's current billing rates. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

4. The hourly rates for the attorneys and professional support staff in my firm set forth in Exhibit 1 are the same as the regular current rates charged for their services in non-contingent matters and/or which have been accepted in other securities or shareholder litigation.

5. The total number of hours expended on this Litigation by my firm during the Time Period is 4,237.30 hours. The total lodestar for that work is \$2,086,938.50, consisting of \$1,875,524.50 for attorneys' time and \$211,414.00 for professional support staff time. These figures exclude time incurred by my firm that was solely related to the ongoing litigation against the non-settling Underwriter Defendants or any time incurred in preparing this application for fees and expenses.

6. My firm's lodestar figures are based upon the firm's billing rates, which do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in my firm's billing rates.

7. As detailed in the schedule attached hereto as Exhibit 2, my firm has incurred a total of \$130,583.46 in unreimbursed expenses in connection with the prosecution of this Litigation during the Time Period. This figure excludes any expenses incurred by my firm that were solely related to the ongoing litigation against the non-settling Underwriter Defendants.

8. The expenses incurred in this Litigation are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

9. With respect to the standing of my firm, attached hereto as Exhibit 3 is a biography of my firm and attorneys in my firm who were principally involved in this Litigation.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing facts are true and correct. Executed at San Diego, California on July 23, 2012.

  
BETSY C. MANIFOLD

## **EXHIBIT 1**

*In re Thornburg Mortgage, Inc. Securities Litigation*  
CASE NO. CIV 07-815 JB/WDS

**WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP**

**TIME REPORT**

Time Period: Inception through July 1, 2012

PROFESSIONAL	STATUS	HOURLY RATE*	TOTAL HOURS TO DATE	TOTAL LODESTAR TO DATE
Daniel W. Krasner	P	\$865	24.90	\$21,538.50
Fred T. Isquith	P	\$815	13.60	\$11,084.00
Frank M. Gregorek	P	\$790	392.00	\$309,680.00
Betsy C. Manifold	P	\$690	1,046.90	\$722,361.00
Gregory M. Nespole	P	\$740	37.70	\$27,898.00
Rachele R. Rickert	P	\$565	203.60	\$115,034.00
Patrick H. Moran	A	\$425	1,443.00	\$613,275.00
Martin E. Restituyo	A	\$390	48.60	\$18,954.00
Marisa C. Livesay	A	\$405	42.50	\$17,212.50
Rachel S. Poplock	A	\$375	49.30	\$18,487.50
Joseph Weiss	PL	\$280	7.80	\$2,184.00
Elizabeth Lee	PL	\$240	471.80	\$113,232.00
Kathryn M. Cabrera	PL	\$205	393.20	\$80,606.00
Derek M. Behnke	PL	\$255	36.40	\$9,282.00
Sher Ling Gan	PL	\$235	26.00	\$6,110.00
<b>TOTAL</b>			<b>4,237.30</b>	<b>\$2,086,938.50</b>

Partner (P)  
Associate (A)  
Paralegal (PL)

\* All hours billed at current rates.

## **EXHIBIT 2**

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*In re Thornburg Mortgage, Inc. Securities Litigation*  
CASE NO. CIV 07-815 JB/WDS

**WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP**

**EXPENSE REPORT**

Time Period: Inception through July 1, 2012

<b>EXPENSE</b>	<b>TOTAL AMOUNT</b>
Airfare, Lodging, Meals, Taxi	\$8,921.71
Computer Research	\$95,466.44
Court Fees	\$20.65
Secretarial Overtime	\$712.90
Federal Express	\$1,678.51
Filing Fees	\$400.00
Miscellaneous	\$46.03
Notice Costs	\$396.00
Outside Copying	\$10.00
Postage	\$155.98
Professional Services	\$5,000.00
Reproduction & Scanning	\$14,960.00
Service of Process	\$1,764.50
Telephone & Fax	\$954.44
Transcript Costs	\$96.30
<b>TOTAL</b>	<b>\$130,583.46</b>

## **EXHIBIT 3**



FIRM  
RESUME

WOLF  
HALDENSTEIN  
ADLER FREEMAN  
& HERZ LLP

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## WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP

Founded in 1888, Wolf Haldenstein Adler Freeman & Herz LLP is a full service law firm with practice groups in corporate/tax, pension/benefits, real estate, trusts and estates, healthcare, bankruptcy, limited partnerships, and civil and commercial litigation. The Firm has a particular specialty in complex class action litigation – including consumer, biotechnology, antitrust, shareholder, and ERISA litigation – under both federal and state law.

Wolf Haldenstein's total practice approach, supported by the Firm's mid-range size, distinguishes the Firm from other firms. Our longstanding tradition of a close attorney/client relationship ensures that each one of our clients receives prompt, individual attention and does not become lost in an institutional bureaucracy. Our team approach is at the very heart of Wolf Haldenstein's practice. All of our lawyers are readily available to all of our clients and to each other. The result of this approach is that we provide our clients with an efficient legal team having the broad perspective, expertise and experience required for any matter at hand. We are thus able to provide our clients with cost effective and thorough counsel focused on our clients' overall goals.

The Firm's offices are located at 270 Madison Avenue, New York, New York 10016, telephone: (212) 545-4600, fax: (212) 545-4653; 55 West Monroe Street, Suite 1111, Chicago, Illinois 60603, telephone: (312) 984-0000, fax: (312) 984-0001 (Wolf Haldenstein Adler Freeman & Herz LLC); and Symphony Towers, 750 B Street, Suite 2770, San Diego, California 92101, telephone: (619) 239-4599, fax: (619) 234-4599. The Firm's web site address is [www.whafh.com](http://www.whafh.com).

## THE FIRM

Wolf Haldenstein's Class Action Litigation Group has been recognized by courts throughout the country as being highly experienced in complex litigation, particularly with respect to securities, consumer, ERISA, FLSA and state overtime and expose deductions, and antitrust class actions and shareholder rights litigation. The Class Action Litigation Group consists of 33 attorneys and 8 paraprofessional assistants. Brief resumes of these attorneys begin on page 19.

Also included are the resumes of attorneys from other areas of the Firm's practice who routinely lend their expertise to the Firm's class action litigators in the areas of tax, bankruptcy, corporate, trusts, labor, and ERISA law. The ability to call upon the internal expertise of practitioners in such varied areas of the law greatly enhances the strength and efficiency of the Firm's representative litigation practice and, indeed, makes Wolf Haldenstein unique among national firms specializing in class action litigation.

The nature of the Firm's activities in representative litigation is extremely broad. In addition to a large case load of securities fraud and other investor class actions, Wolf Haldenstein has represented classes of corn and rice farmers in connection with the devaluation of their crops; contact lens purchasers for contact lens manufacturers' violations of the antitrust laws; merchants compelled to accept certain types of debit cards; insurance policyholders for insurance companies' deceptive sales practices; victims of unlawful strip searches under the civil rights laws; and various cases involving violations of Internet users' on-line privacy rights.

The Firm's experience in class action securities litigation, in particular public shareholder rights under state law and securities fraud claims arising under the federal securities laws and regulations, including the Private Securities Litigation Reform Act of 1995 ("PSLRA"), is particularly extensive. The Firm was one of the lead or other primary counsel in securities class action cases that have recouped billions of dollars on behalf of investor classes, in stockholder rights class actions that have resulted in billions of dollars in increased merger consideration to shareholder classes, and in derivative litigation that has recovered billions of dollars for corporations.

Among its colleagues in the plaintiffs' securities bar, as well as among its adversaries in the defense bar, Wolf Haldenstein is known for the high ability of its attorneys, the exceptionally high quality of its written and oral advocacy on behalf of class action clients, and its pioneering efforts in difficult or unusual areas of securities or investor protection laws, including: groundbreaking claims that have been successfully brought under the Investment Company Act of 1940 regarding fiduciary responsibilities of investment companies and their advisors toward their shareholders; claims under ERISA involving fiduciary duties of ERISA trustees who are also insiders in possession of adverse information regarding their fund's primary stockholdings; the fiduciary duties of the directors of Delaware corporations in connection with change of control transactions; the early application of the fraud-on-the-market theory to claims against public accounting firms in connection with their audits of publicly traded corporations; and the application of federal securities class certification standards to state law claims often thought to be beyond the reach of class action treatment.

Wolf Haldenstein's performance in representative litigation has repeatedly received favorable judicial recognition. The following representative judicial comments over two decades indicate the high regard in which the Firm is held:

- *K.J. Egleston L.P. v. Heartland Industrial Partners, et al.*, 2:06-13555 (E.D. Mich.) – where the Firm was Lead Counsel, Judge Rosen, at the June 7, 2010 final approval hearing, praised the Firm for doing “an outstanding job of representing [its] clients,” and further commented that “the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition they enjoy.”
- *Parker Friedland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C.) – where the Firm was co-lead counsel, Judge Laughrey said (on October 16, 2008), “[a]ll of the attorneys in this case have done an outstanding job, and I really appreciate the quality of work that we had in our chambers as a result of this case.”
- *In re Dynamic Random Access Memory Antitrust Litigation*, MDL-02-1486 (N.D. Cal.) – where the Firm was co-lead counsel, Judge Hamilton said (on August 15, 2007), “I think I can conclude on the basis with my five years with you all, watching this litigation

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progress and seeing it wind to a conclusion, that the results are exceptional. The percentages, as you have outlined them, do put this [case] in one of the upper categories of results of this kind of [antitrust] class action. I am aware of the complexity . . . I thought that you all did an exceptionally good job of bringing to me only those matters that really required the Court's attention. You did an exceptionally good job at organizing and managing the case, assisting me in management of the case. There was excellent coordination between all the various different plaintiffs' counsel with your group and the other groups that are part of this litigation. . . . So my conclusion is the case was well litigated by both sides, well managed as well by both sides."

- *In re Comdisco Sec. Litigation*, 01 C 2110 (N.D. Ill. July 14, 2005) – Judge Milton Shadur observed: "It has to be said . . . that the efforts that have been extended [by Wolf Haldenstein] on behalf of the plaintiff class in the face of these obstacles have been exemplary. And in my view [Wolf Haldenstein] reflected the kind of professionalism that the critics of class actions . . . are never willing to recognize. . . . I really cannot speak too highly of the services rendered by class counsel in an extraordinary difficult situation."
- *In re MicroStrategy Securities Litigation*, 150 F. Supp. 2d 896, 903 (E.D. Va. 2001) – where the Firm was co-lead counsel, Judge Ellis commented: "Clearly, the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition they enjoy."
- *In Re Toys R Us Antitrust Litigation*, 98 MDL 1211 (NG), 191 F.R.D. 347, 351, 356 (E.D.N.Y. 2000) – where the Firm served as co-lead and liaison counsel, Judge Gershon wrote: "Class counsel are highly skilled and experienced and can fairly and adequately represent the interests of the class . . . . Counsel for both the class plaintiffs and the States have well-earned the compensation that they request."
- *Yud v. Saf T Lok*, No. 98-8507-Civ-Hurley (S.D. Fla. Dec. 15, 1999) – where the Firm was sole lead counsel, the court stated: "The attorneys have done an outstanding amount of work and fine legal

work in a short period of time to bring this class action to resolution in a successful fashion."

- *Kurzweil v. Philip Morris Companies*, 94 Civ. 2373, 94 Civ. 2546 (MBM) (S.D.N.Y. Nov. 13, 1998) – where the Firm was sole lead counsel, then Chief Judge Mukasey, in approving a \$116.5 million settlement stated: "In this case, this represents a lot of good, hard, serious work by a lot of talented lawyers and I appreciate it on both sides."
- *Paramount Communications v. QVC Network Inc.*, 637 A.2d 34, 37 n.2 (Del. 1994) – where the Firm was co-lead counsel for the Paramount shareholders, the Supreme Court of Delaware noted "its appreciation of ... the professionalism of counsel in this matter in handling this expedited litigation with the expertise and skill which characterize Delaware proceedings of this nature." The Court further "commended the parties for their professionalism in conducting expedited discovery, assembling and organizing the record, and preparing and presenting very helpful briefs, a joint appendix, and oral argument."
- *In re Laser Arms Corp. Securities Litigation*, 794 F. Supp. 475, 496 (S.D.N.Y. 1989) – where the Firm was lead counsel, the Court stated "plaintiffs' counsel have demonstrated their experience in securities litigation and the Court is confident that counsel will proceed vigorously on behalf of all class and subclass members."
- *In re Public Service Co. of Indiana Derivative Litigation*, 125 F.R.D. 484, 486 (S.D. Ind. 1988) – concerning the construction of the Marble Hill Nuclear Power Plant, where the Firm was lead counsel, the court said: "Throughout the life of this litigation, it has been both vigorously prosecuted and aggressively defended by thoroughly competent counsel on all sides."
- *In re Public Service Co. of New Hampshire Derivative Litigation*, 84-220-D (D.N.H. 1986) – involving the construction of the Seabrook Nuclear Power Plant, where the Firm was lead counsel, the court said of plaintiffs' counsel that "the skill required and employed was of the highest caliber."



- *In re Warner Communications Securities Litigation*, 618 F. Supp. 735, 749 (S.D.N.Y. 1985) – where the Firm served as co-lead counsel, the court noted the defendants’ concession that “‘plaintiffs’ counsel constitute the cream of the plaintiffs’ bar.’ The Court cannot find fault with that characterization.”
- *Steiner v. Equimark Corp.*, No. 81-1988 (W.D. Pa. 1983) – a case involving complex issues concerning banking practices in which the Firm was lead counsel, then District Judge Marnsman described, in part, the work the Firm performed:

We look at the complexity of the issue, the novelty of it, the quality of work that, as the trial judge, I am able to perceive, and then, finally, the amount of recovery obtained: I think I have certainly said a lot in that regard. I think it’s been an extraordinary case. I think it’s an extraordinary settlement. Certainly defense counsel and plaintiffs’ counsel as well are all experienced counsel with a tremendous amount of experience in these particular kinds of cases. And under those circumstances . . . I think it was, really, the strategy and ingenuity of counsel in dividing up the workload and strategizing the cases as to who was to do what and what ultimately should be done to bring about the settlement that was achieved.

#### SECURITIES CASES

Wolf Haldenstein is a leader in the class action litigation field and is currently or has been the court-appointed lead counsel, co-lead counsel, or executive committee member in some of the largest and most significant class action lawsuits currently pending across the United States, including:

- *The Investment Committee of the Manhattan and Bronx Surface Transit Operating Authority Pension Plan v. JPMorgan Chase Bank., N.A.*, 09-cv-4408 (SAS) (S.D.N.Y.).
- *Newman v. Family Management, et al.* (Madoff feeder fund litigation re FM Low Volatility Fund LP), 08-cv-11215 (LBS) (S.D.N.Y.).

- *In re Tremont Securities Law, State Law and Insurance Litigation, Insurance Action*, (Madoff related litigation against certain insurance companies, investment advisors and funds), 09-cv-557 (TPG) (S.D.N.Y.).
- *In re Initial Public Offering Securities Litigation*, 21 MC 92 (SAS) (S.D.N.Y.).
- *Inland Western Securities Litigation*, Case No. 07 C 6174 (N.D. Ill.)
- *In re Triad Hospitals, Inc. Shareholder Litigation*, Case No. 296-00435-07 (Tex. 296th Dist. Ct.).
- *Clear Channel Shareholder Litigation*, Cause No. 2006-CI-17492 (Tex. 408th Dist. Ct.)
- *In re American Pharmaceutical Partners, Inc. Shareholder Litigation*, Consolidated C.A. No. 1823-N (Del. Ch. Ct.).
- *In re Thornburg Mortgage, Inc. Securities Litigation*, No. 07-815 (D.N.M.).
- *In re General Growth Properties, Inc. ERISA Litigation*, Master File No. 08-cv-6680 (N.D. Ill.).
- *In re Schering-Plough Corporation ENHANCE ERISA Litigation*, No. 08 Civ. 1432 (D.N.J.).
- *In re UBS AG ERISA Litigation*, 1:08-cv-6696 (S.D.N.Y.).
- *In re Morgan Stanley ERISA Litigation*, 07 Civ. 11285 (S.D.N.Y.).
- *Comcast Corp. ERISA Litigation*, C.A. No. 08-773 (E.D. Pa.).
- *In re American Express ERISA Litigation*, 08-CV-10834 (S.D.N.Y.).
- *In re Textron Inc. ERISA Litigation*, 09-CV-542 (D.R.I.).

#### DERIVATIVE CASES

Wolf Haldenstein is a leader in the derivative litigation field and is



currently leading counsel in some of the most significant derivative actions pending in the United States, including:

- *In re Mutual Fund Investment Litigation*, MDL No. 1586 (D. Md.).
- *AIG, Inc. Consolidated Derivative Litigation*, C.A. No. 769-N (Del. Ch. Ct.).
- *In re Bank of America Corporation Stockholder Derivative Litigation*, C.A. No. 4307-VCS (Del. Ch. Ct.).
- *In re Citigroup, Inc. Shareholder Derivative Litigation*, C.A. No. 3338-cc (Del. Ch. Ct.).
- *In re Ambac Financial Group, Inc. Shareholder Derivative Litigation*, C.A. No. 3521-VCL (Del. Ch. Ct.).
- *In re Silicon Storage Technology, Inc. Derivative Litigation*, No. 606-04310JF (N.D. Cal.).
- *In re MBIA Derivative Action*, 08 Civ. 1515 (KTK) (S.D.N.Y.).
- *In re Atmel Corp. Derivative Litigation*, Master File No. 06-4592 JF (HRL) (N.D. Cal.).
- *In re Novellus Systems, Inc. Derivative Litigation*, Master File No. C 06-03514 RMW (N.D. Cal.).
- *In re Verisign, Inc. Derivative Litigation*, Master File No. C-06-4165-PJH (N.D. Cal.).
- *In re Huron Consulting Group, Inc. Derivative Litigation*, 09-cv-6284 (N.D. Ill.).

#### PRIVATE ACTIONS FOR INSTITUTIONAL INVESTORS

In addition to its vast class action practice, the Firm also regularly represents institutional clients such as public funds, investment funds, limited partnerships, and qualified institutional buyers. The Firm has represented institutional clients in non-class federal and state actions concerning a variety of matters, including private placements, disputes with investment advisors, and disputes with corporate management. Examples of such cases include:

- *Steed Finance LDC v. Laser Advisers, Inc.*, 99 Civ. 4222 (PKC) (S.D.N.Y.), a fraud, negligence, breach of contract and breach of fiduciary duty action brought by a hub fund, a related feeder fund and individual investors in the feeder fund against the funds' former investment advisors for mispricing certain securities and derivative instruments in the funds' fixed-income securities portfolio.
- *Diversified Asset Securitization Holdings I, L.P. v. Enterprise Mortgage Acceptance Co, LLC, et al.*, 02 Civ. 10228 (SWK) (S.D.N.Y.), a federal and state securities fraud action brought by limited partnerships that pooled the investments of various insurance companies against the issuer and management and controlling shareholder of the issuer, concerning misrepresentations made in connection with a private placement of certificates representing interests in a securitized pool of loans made to franchise operations of car care businesses, gas stations, convenience stores and quick service restaurants.
- *Gramercy Park Investments v. Airfund International*, No. 97-22734B (Mass. Super. Ct.); *Gramercy Park Investments v. The Krupp Realty Fund*, No. 97-1612 (Mass. Super. Ct.); *Geodyne Resources v. Gramercy Park Investments*, No. CJ-96-05548 (Dist. Ct. Okla.); *Gramercy Park Investments v. Wells Real Estate Fund*, No. 97-A-0241-3 (Ga. Super. Ct.); *Gramercy Park Investments v. Swift Energy*, No. 96-61729 (Dist. Ct. Tex.); and *Lexington Family Investments v. Dean Witter*, No. 15217-96 (N.Y. Sup. Ct.); actions brought on behalf of institutional investors in state courts throughout the nation demanding inspection of investor lists and other corporate and partnership information.
- *Madison Partnership Liquidity Investors v. American Cable TV Investors*, 97 Civ. 4950 (JSM) (S.D.N.Y.); and *Madison Partnership Liquidity Investors v. PLM Equipment Growth Fund*, 98 Civ. 4057 (JSM) (S.D.N.Y.); actions brought on behalf of institutional investors against fund management for improper defensive actions taken in response to investors' acquisitions of large positions in funds.

The Firm has also acted as special counsel to investors' committees in efforts to assert the investors' interests without resort to litigation. For example,

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the Firm served as Counsel to the Courtyard by Marriott Limited Partners Committee for several years in its dealings with Host Marriott Corporation, and as Special Counsel to the Windsor Park Properties 7 and 8 limited partners to insure the fairness of their liquidation transactions.

#### ANTITRUST LITIGATION

Wolf Haldenstein is a leader in the field of antitrust and competition litigation. The Firm actively seeks to enforce the federal and state antitrust laws to protect and strengthen the rights and claims of businesses, organizations, and consumers throughout the United States. To that end, Wolf Haldenstein commences large, often complex, antitrust and trade regulation class actions and other cases that target some of the most powerful and well-funded corporate interests in the world. Many of these interests exert strong influence over enforcement policy that is in the hands of elected officials, so that private enforcement provides the only true assurance that unfair and anticompetitive conduct will be duly scrutinized for compliance with the law. These cases frequently bring to light concealed, unlawful behavior such as price fixing, monopolization, market allocation, monopoly leveraging, essential facilities, tying arrangements, vertical restraints, exclusive dealing, and refusals to deal. Wolf Haldenstein's Antitrust Practice Group has successfully prosecuted numerous antitrust cases and aggressively advocates remedies and restitution for businesses and investors wronged by violations of the antitrust laws.

Wolf Haldenstein attorneys have served or currently serve as lead counsel, co-lead counsel, or as executive committee members in some of the largest and most significant antitrust class action lawsuits, including:

- *In re Dairy Farmers of America, Inc. Cheese Antitrust Litigation*, No. 1:09-cv-03690, MDL No. 2031 (N.D. Ill.) – Consolidated litigation alleging manipulation of cheese and milk futures to raise prices of dairy products.
- *In re Evanston Northwestern Healthcare Corp.*, No. 06-4446-JHL (N.D. Ill.) – Illegal monopolization and attempted monopolization of relevant market.

- *In re McDonough, et al. v. Toys "R" Us, Inc., et al.*, No 2:06 CV 00242-AB (E.D. Pa.) – Retail price maintenance antitrust litigation. Class certification was recently granted under the Third Circuit's standards for class certification as clarified by *In re Hydrogen Peroxide*, 552 F.3d 305 (3d Cir. 2008).
- *In re Text Messaging Antitrust Litigation*, No. 08-C-7082-MFK (N.D. Ill.) – Horizontal price fixing litigation. Antitrust suit alleging that the four national wireless communications service providers implemented a price fixing conspiracy to raise and stabilize prices for text messaging services.
- *In re Sulfuric Acid Antitrust Litigation*, No. 03-4576, MDL No. 1536 (N.D. Ill.) – Horizontal price fixing and market allocation antitrust litigation.
- *Schoenbaum v. E.I. DuPont de Nemours & Co.*, No. 05-CV-01108 ERW (E.D. Mo.) – Consolidated antitrust case concerning price fixing and monopolization claims pertaining to soybean and corn seeds containing Monsanto's Roundup Ready and/or YieldGard genetic traits.

In addition, Wolf Haldenstein attorneys have been involved in the following major antitrust class actions:

- *In re Packaged Ice Antitrust Litigation*, MDL No. 1952 (E.D. Mich.) – Horizontal price fixing antitrust litigation.
- *In re Chocolate Confectionary Antitrust Litigation*, MDL No. 1935 (M.D. Fla.) – Horizontal price fixing antitrust litigation.
- *In re LTL Shipping Services Antitrust Litigation*, MDL No. 1895 (D. Me.) – Horizontal price fixing antitrust litigation.
- *In re Rail Freight Fuel Surcharge Antitrust Litigation*, MDL No. 1536 (N.D. Ill.) – Horizontal price fixing antitrust litigation.
- *In re Cathode Ray Tube Antitrust Litigation*, No. 07-C-5944-SC (N.D. Cal.) – Horizontal price fixing antitrust litigation.
- *In re Graphic Processing Units Antitrust Litigation*, No. 07-CV-1823-WHA (N.D. Cal.) – Horizontal price fixing antitrust litigation.

- *In re Air Cargo Shipping Antitrust Litigation*, No. 06-MD-1775 CBA/VVP (E.D. N.Y.) – Horizontal price fixing antitrust litigation.
- *In re International Air Transportation and Surcharge Antitrust Litigation*, No. 06-M-1793 CRB (N.D. Cal.) – Horizontal price fixing antitrust litigation.
- *In re Publication Paper Antitrust Litigation*, No. 04-MD-1631 SRU (D. Conn.) – Horizontal price fixing antitrust litigation.
- *In re New Motors Vehicles Canadian Export Antitrust Litigation*, MDL No. 1532 (D. Me.) – Canadian export antitrust litigation.
- *In re Carbon Black Antitrust Litigation*, MDL No. 1543 (D. Mass.) – Horizontal price fixing antitrust litigation.
- *In re Rubber Chemicals Antitrust Litigation*, No. C 03 1496 (D. Conn.) – Horizontal price fixing antitrust litigation.
- *In re Urethane Antitrust Litigation*, MDL No. 1616 – Horizontal price fixing antitrust litigation.
- *In re Plastic Additives Antitrust Litigation*, MDL No. 1547 (E.D. Pa.) – Horizontal price fixing antitrust litigation.
- *In re OxyContin Antitrust Litigation*, MDL No. 1603 (S.D.N.Y.) – Patent monopolization antitrust litigation.
- *In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation*, MDL No. 1542 (D. Conn.) – Horizontal price fixing antitrust litigation.
- *In re Microcrystalline Cellulose Antitrust Litigation*, MDL No. 1402 – Horizontal price fixing antitrust litigation.
- *In re Compact Disc Minimum Advertised Price Antitrust Litigation*, MDL No. 1361 (D. Me.) – Horizontal and vertical price fixing antitrust litigation.
- *In re NASDAQ Market-Makers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.) – Market manipulation antitrust litigation.

- *Universal Delaware, Inc., et al. v. Ceridian Corporation, et al.*, No. 07-C-1078-JKG-HSP (E.D. Pa.) – Horizontal price fixing antitrust litigation.
- *Narendra Patel v. Next Card, Inc., et al.*, No. 01-C-8409 (N.D. Ill.) – Horizontal price fixing antitrust litigation.
- *Elliot Franklin v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline, P.L.C., et al.*, No. 02-10671-RCL (D. Mass.) – Relafen patent monopolization antitrust litigation.
- *In re Neurontin Antitrust Litigation*, MDL No. 1479 – Patent monopolization antitrust litigation.
- *Robert Kapella v. Organon Inc. and Akzo Nobel N.V.*, 2:02 CV 02384, (D.N.J.) – Patent monopolization litigation.
- *Scott Jacobs v. McNeil-PPC, Inc.*, C.A. No. 02-6797 (E.D. Pa.) – Immodium AD patent monopolization litigation.
- *Sebo v. Rubenstein*, No. 98-C-8394 (N.D. Ill.) – Price fixing antitrust litigation.
- *Joanne Gaddy v. GlaxoSmithKline PLC and Smithkline Beecham Corp. d/b/a GlaxoSmithKline, Inc.*, C.A. No. 02-6707 (E.D. Pa.) – Wellbutrin patent monopolization litigation.
- *Charles D. Fredericks, Jr. v. Elan Corporation, PLC and Skyepharma, Inc. f/k/a Brightstone Pharma, Inc.*, C.A. No. 02 CV 3719 (E.D. Pa.) – Napreelan patent monopolization litigation.
- *Westwood Automotive, Inc. v. Akzo Nobel Coatings, Inc., et al.*, C.A. No. 3:01 CV 435-S (W.D. Ky.) – Automotive paint price fixing litigation.
- *In re Visa Check/Master Money Antitrust Litigation*, Master File No. CV-96-5238 (E.D.N.Y.) – Horizontal price fixing antitrust litigation.
- *In re Vitamins Antitrust Litigation*, No. 99-197-TFH (D.D.C.) – Price fixing antitrust litigation.
- *In re Industrial Gas Antitrust Litigation*, 80 C 3479 and related cases (N.D. Ill.) – Horizontal price fixing antitrust litigation.



- *In re Aluminum Siding Antitrust Litigation*, MDL No. 454 (D. Minn.) – Horizontal price fixing antitrust litigation.
- *In re Chor-Alkalai and Caustic Soda Antitrust Litigation*, No. 86-5428 and related cases (E.D. Pa.) – Horizontal price fixing antitrust litigation.
- *In re Infant Formula Antitrust Litigation*, MDL No. 878 (N.D. Fla.) – Horizontal price fixing antitrust litigation.
- *In re Brand Name Prescription Drug Antitrust Litigation*, No. 1:94-cv-00897, MDL No. 997 (N.D. Ill.) – Horizontal price fixing antitrust litigation.
- *In re Cheese Antitrust Litigation*, Case No. 96 C 391 (N.D. Ill.) – Horizontal price fixing antitrust litigation.
- *In re Commercial Tissue Antitrust Litigation*, MDL No. 1189 (N.D. Fla.) – Horizontal price fixing antitrust litigation.
- *In re High Fructose Corn Syrup Antitrust Litigation*, MDL No. 1087 (C.D. Ill.) – Horizontal price fixing antitrust litigation.
- *J & J Produce & Deli, Inc., et al. v. Gustafson's Dairy, Inc.*, Civil Action Nos. 93-1077-CIV-T-23B, 93-1264-CIV-T-23A, 94-1437-CIV-T-23A (M.D. Fla.) – Horizontal price fixing antitrust litigation.
- *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.) – Horizontal price fixing antitrust litigation.

#### BIOTECHNOLOGY AND AGRICULTURAL LITIGATION

Wolf Haldenstein is a leader in biotechnology and agricultural litigation. The firm has represented U.S. row crop farmers and others harmed by crop supply contamination, price fixing of genetically-modified crop seeds, and false claims and representations relating to purportedly "organic" products. The firm has prosecuted actions in these fields against domestic and international biotechnology and crop science companies under the federal and state antitrust laws, consumer protection and deceptive trade practice statutes, and the common law. As a leader in this field, Wolf Haldenstein pioneered approaches now commonly used in these types of cases,

including the use of futures-based efficient market analyses to fashion damages models relating to the underlying commodity crops. The firm has served or is currently serving as lead or co-lead counsel in some of the most significant biotechnology and agricultural class actions pending or litigated in the United States, including:

- *In re Genetically Modified Rice Litigation*, MDL 1811 (E.D. Mo.) – Multidistrict product liability litigation brought on behalf of United States long-grain rice producers seeking to recover damages they sustained resulting from the contamination of the U.S. rice supply with unapproved, genetically-modified rice seed traits developed and tested by Bayer CropScience LP and related entities. Settled on July 1, 2011 for \$750,000,000.
- *In re Imprelis Herbicide, Sales Practice and Products Liability Litigation*, MDL No. 2284 (E.D. Pa.) – Multidistrict class action litigation brought by landowners and landscapers against E.I. DuPont de Nemours and Company seeking to recover damages for tree and other foliage death and other harm caused by DuPont's Imprelis herbicide.
- *In re StarLink Corn Products Liability Litigation*, MDL No. 1403 (N.D. Ill.) – Class action that recovered \$110 million for U.S. corn farmers who sustained market losses arising from defendants' contamination of the U.S. food corn supply with an improperly bioengineered corn seed product.
- *In re ConAgra Foods, Inc.*, MDL No. 2291 (C.D. Cal.) – Multidistrict class action lawsuit against ConAgra arising out of its marketing of its Wesson Oil products as being "100% Natural," when they are actually made from genetically-modified plants or genetically-modified organisms.
- *Schoenbaum v. E.I. DuPont de Nemours and Company, et al.*, Case No. 4:05-cv-01108 ERW (E.D. Mo.) – Consolidated antitrust cases concerning genetically modified corn and soybean seeds.



## OVERTIME AND COMPENSATION CLASS ACTIONS

Wolf Haldenstein is a leader in the field of class action litigation on behalf of employees who have not been paid overtime or other compensation they are entitled to receive, or have had improper deductions taken from their compensation. These claims for violations of the federal Fair Labor Standards Act and state labor laws, allege improper failure to pay overtime and other wages, and improper deductions from compensation for various company expenses. Wolf Haldenstein is currently lead or co-lead counsel, or other similar lead role, in some of the most significant overtime class actions pending in the United States, including those listed below:

- *Lavoie v. Citigroup Global Markets, Inc.*, 06-0756 (S.D.N.Y.)
- *Basile v. A.G. Edwards, Inc.*, 06-cv-0833 (N.D.N.Y.)
- *Rosenthal v. A.G. Edwards & Sons, Inc.*, 06-3995 (D.N.J.)
- *Palumbo v. Merrill Lynch*, 06-2104 (E.D.N.Y.)
- *Garrison v. Merrill Lynch*, 06-3553 (D.N.J.)
- *Roles v. Morgan Stanley*, 05-7889 (E.D.N.Y.)
- *Lenihan v. Morgan Stanley*, 06-00794 (D. Conn.)
- *Klein v. Ryan Beck*, 06-03460 (S.D.N.Y.)
- *Badain v. Wachovia*, 06-06321 (W.D.N.Y.)
- *Garcia v. Lowe's Home Centers, Inc.*, Case No. GIC 841120 (S.D. Supr.)
- *Weinstein v. MetLife, Inc.*, 06-cv-04444-SI (N.D. Cal.)

## THE CLASS ACTION LITIGATION GROUP

The qualifications of the attorneys in the Wolf Haldenstein Litigation Group are set forth below and are followed by descriptions of some of the Firm's attorneys who normally practice outside the Litigation Group who contribute significantly to the class action practice from time to time.

### PARTNERS

**DANIEL W. KRASNER:** *admitted:* New York; Supreme Court of the United States; U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, Eighth, Ninth, Tenth, and Eleventh Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, Central District of Illinois, and Northern District of Michigan. *Education:* Yeshiva College (B.A., 1962); Yale Law School (LL.B., 1965). Mr. Krasner, a partner in the Firm's New York office, is the senior partner of Wolf Haldenstein's Class Action Litigation Group. He began practicing law with Abraham L. Pomerantz, generally credited as the first "Dean of the Class Action Bar." He founded the Class Litigation Group at Wolf Haldenstein in 1976.

Mr. Krasner received judicial praise for his class action acumen as early as 1978. *See, e.g.,* Shapiro v. Consolidated Edison Co., [1978 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 96,364 at 93,252 (S.D.N.Y. 1978) ("in the Court's opinion the reputation, skill and expertise of . . . [Mr.] Krasner, considerably enhanced the probability of obtaining as large a cash settlement as was obtained"); Steiner v. BOC Financial Corp., [1980 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 97,656, at 98,491.4, (S.D.N.Y. 1980) ("This Court has previously recognized the high quality of work of plaintiffs' lead counsel, Mr. Krasner"). The New York Law Journal referred to Mr. Krasner as one of the "top rank plaintiffs' counsel" in the securities and class action fields. In connection with a failed 1989 management buyout of United Airlines, Mr. Krasner testified before Congress.

More recently, Mr. Krasner has been one of the lead attorneys for plaintiffs in some of the leading Federal multidistrict cases in the United States, including the IPO Litigation in the Southern District of New York, the Mutual Fund Timing Litigation pending in the District of Maryland, and several Madoff-related litigations pending in the Southern District of New York. Mr. Krasner has also been lead attorney in several precedent-setting shareholder actions in Delaware Chancery Court and the New York Court of Appeals, including *American International Group, Inc. v. Greenberg*, 965

A.2d 763 (Del. Ch. 2009) and the companion certified appeal, *Kirschner v. KPMG LLP*, Nos. 151, 152, 2010 N.Y. LEXIS 2959 (N.Y. Oct. 21, 2010); *Teachers' Retirement System of Louisiana and City of New Orleans Employees' Retirement System, derivatively on behalf of nominal defendant American International Group, Inc., v. PricewaterhouseCoopers LLP*, No. 152 (New York, October 21, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 119 (Del. Ch., May 25, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 139, (Del. Ch. July 5, 2010), appeal refused, 2010 Del. LEXIS 324, 2010 WL 2690402 (Del. 2010).

Mr. Krasner has lectured at the Practicing Law Institute; Rutgers Graduate School of Business; Federal Bar Council; Association of the Bar of the City of New York; Rockland County, New York State, and American Bar Associations; Federal Bar Council, and before numerous other bar, industry, and investor groups.

**FRED TAYLOR ISQUITH:** *admitted:* New York; District of Columbia; Supreme Court of the United States; U.S. Courts of Appeals for the First, Second, Third, Fourth and Eighth Circuits; U.S. District Courts for the Southern, Eastern and Northern Districts of New York, District of Arizona, District of Colorado, Northern and Central District of Illinois, Western District of Michigan and District of Nebraska. *Education:* Columbia University (J.D., 1971); City University of New York (Brooklyn) (B.A., 1968). *Publications:* "5 Cases Impacting Investors in Public Cos." (Law 360: September 2010); "Del Opinion to Inform Future Freeze Out Mergers" (Law 360: August 2010); "Case Study of Morrison v. National Australia Bank" (Law 360: July 2010); "Citizens United: A Congressional Opportunity"; Law 360 Securities. Law 360 Com (2010); "Spring Supreme Court Roundup." (Law 360 Securities; June 9, 2010); "Clarifying Jurisdiction for Foreign Claimants," Law 360 (May 18, 2010); Within the SEC (Securities Law 360, April 15, 2010); "A Third and Fourth Look at the Bank of America Opinion." Securities Law 360 (October 23, 2009); Guest Column: "New Ruling on Rating Agencies Responsibilities Bears Close Scrutiny." Securities Docket (September 18, 2009); "An SEC Monopoly Will Not Work" (Institutional Investors Services, 2007); "A Flexible Approach to Loss Causation" (2005); "Wolf in Sheep's Clothing: Tort Reform" (2004, SRI); "Ethics Going Astray By Small Steps" (2004); "The Seven Year Itch" (2003); "A Scalpel in Your Hand: Litigation as a Tool" (2002, SRI); "Anatomy of a Deposition . . . Complex Financial Case" (2002, NYC Bar); Federal Civil Practice Supplement, "Representative Actions," (NYSBA, 2000); "Post Arbitration

Remedies," for an Introduction to Securities Arbitration (NYSBA, 1994); "A Plaintiff's Lawyer Examines Limited Partnership Roll-ups for Real Estate Exit Strategies" (American Conference Institute, 1994); Editor and columnist for The Class Act, the weekly publication of the National Association of Shareholders and Consumer Attorneys. Lecturer, The Federal Pleading Standards after Twombly; Touro Law School (2010). Panelist with the Antitrust Committee of the New York City Bar Association Regarding Private Equity Transactions and the Implications of the Supreme Court's Recent Decisions (2008); Developments in Class Actions; (NYSBA, 2007); IPO Tie In/Claims Seminar, Professional Liability Underwriter Society; Securities Arbitration New York State Bar Association; Real Estate Exit Strategies, American Conference Institute; Fundamental Strategies in Securities Litigation (NYSBA, CLE Program). He is an arbitrator with the American Arbitration Association and with the Civil Court of the City of New York and a mediator for the ADR Program of the Supreme Court, County of New York; Complex Litigation Panel. Member: President's Committee on Access to Justice (2010); Committee on Evidence (2007 - ); Commercial and Federal Litigation Section, 1989- ); Committees on Legislation and Federal Courts, 1984-1988), Committee on Securities, The Association of the Bar of the City of New York (Committee on Federal Courts; Committee on Antitrust); New York County Lawyers' Association (Former Chair: Business Tort/Consumer Fraud-Tort Law Section); Brooklyn (Member: Committee on Civil Practice Law and Rules, 1983-1987; New York State (Member: Committee on Legislation, Trial Lawyers Section, 1981- ); and American (Member: Sections on: Litigation; International Law; Individual Rights and Responsibilities); Bar Associations; the District of Columbia Bar; and Legislation and Civil Practice Law and Rules Committee of the Brooklyn Bar Association; Vice President if the Institute for Law and Economic Policy. Mr. Isquith has been Chairman of the Business Tort/Consumer Fraud Committee of the Tort Law Section of the New York State Bar Association and is a member of that Association's Committees on Securities Law and Legislation. He also serves as a judge for the Moot Court Competition of Columbia University Law School and has served on Fordham University's National Competition. Mr. Isquith served as President of the National Association of Securities and Commercial Law Attorneys in 2003 and 2004. Mr. Isquith is frequently quoted in the Wall Street Journal, the New York Times, and other national publications. The

April 1987 issue of Venture magazine listed Mr. Isquith as among the nation's top securities class action attorneys. Since 2006 Mr. Isquith has been selected as among the top 5% of attorneys in the New York City metropolitan area chosen to be included in the Super Lawyers Magazine. He was also selected by Lawdragon in its list of attorneys. Martindale Hubbell registers Mr. Isquith as one of the Preeminent Lawyers (2010), Avenue Magazine, Legal Elite (2010).

**JEFFREY G. SMITH:** *admitted:* New York; California; Supreme Court of the United States; U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Circuits; U.S. Tax Court; U.S. District Courts for the Southern and Eastern Districts of New York, Southern, Central and Northern Districts of California and the Districts of Colorado and Nebraska. *Education:* Vassar College (A.B., *cum laude generali*, 1974); Woodrow Wilson School of Public and International Affairs, Princeton University (M.P.A., 1977); Yale Law School (J.D., 1978). At Yale Law School, Mr. Smith was a teaching assistant for the Trial Practice course and a student supervisor in the Legal Services Organization, a clinical program. Member: The Association of the Bar of the City of New York; New York State and American (Section on Litigation) Bar Associations; State Bar of California (Member: Litigation Section); American Association for Justice. Mr. Smith has frequently lectured on corporate governance issues to professional groups of Fund trustees and investment advisors as well as to graduate and undergraduate business student groups, and has regularly served as a moot court judge for the A.B.A. and at New York University Law School. Mr. Smith has substantial experience in complex civil litigation, including class and derivative actions, tender offer, merger, and takeover litigation. Mr. Smith is rated "AV" by Martindale Hubble and, since its inception in 2006, has been selected as among the top 5% of attorneys in the New York City metropolitan area chosen to be included in the Super Lawyers Magazine.

**FRANCIS M. GREGOREK:** *admitted:* California; New York; United States Courts of Appeals for the Second and Ninth Circuits; United States District Courts for the Southern and Eastern Districts of New York and the Southern, Central, and Northern Districts of California. *Education:* University of Virginia (B.A., *magna cum laude*, 1975). Phi Beta Kappa, Phi Alpha Theta International Historical Honor Society; University College, Durham University, England; New York University School of Law (J.D., 1978). Mr. Gregorek is the Managing Partner of the Firm's San Diego office.



Throughout his 32 year career, Mr. Gregorek's practice has focused on complex commercial litigation and class action practice on both the trial and appellate court levels, in federal and state courts nationwide, in the areas of securities, antitrust, consumer protection, and technology. Mr. Gregorek has also represented foreign governments involved in complex commercial litigation in United States federal courts. As part of that representation, Mr. Gregorek has worked in conjunction with the heads of ministerial departments, ambassadors, and consular officials of those countries charged by their governments with overseeing the litigations, as well as the attorney general of a government he was representing. Throughout these litigations, Mr. Gregorek met with such government officials to advise and plan strategy in addition to keeping them fully up-to-date on the progress of the litigation.

Mr. Gregorek has served as lead counsel, co-lead counsel, or in other leadership positions in numerous class and other complex litigations throughout the United States. For example, *In re Dole Shareholder Litigation*, Case No. BC281949 (Super. Ct. Los Angeles County, 2003). Mr. Gregorek and the Firm served as co-lead counsel in this case, arising from a proposed going-private transaction in which Dole's Chief Executive Officer, David Murdock, sought to acquire the shares of Dole stock not then owned by him for \$29.50 per share. A settlement of the action for \$172 million, representing a payment of an additional \$4 per share over Murdock's offering price, was reached after months of intense litigation. Additionally, the settlement required improvements to the shareholder approval process, including a "majority of the minority" provision as well as enhanced disclosures regarding the merger terms, process, and financial operations of Dole designed to guarantee a fully informed shareholder vote. At the time of the case's settlement, the \$172 million recovered for the class was one of the top 10 recoveries ever achieved on behalf of a class. Judge Anthony J. Mohr, who presided over the action, stated at the final settlement hearing: "Co-Lead Counsel did excellent first class work." *Id.*

As an additional example, Mr. Gregorek and the Firm served as co-lead counsel in *Bamboo Partners LLC v. The Robert Mondavi Corp., et al.*, Case No. 26-27170 (Super. Ct. Napa County, 2004), a class action arising from an unsolicited \$1.3 billion offer (cash and debt assumption) from Constellation Brands, Inc. for The Robert Mondavi Corp. The plaintiffs challenged not only the valuations assigned to Mondavi's assets and the price of the deal, the process and the disclosures followed, but, most importantly, the

allocation of the purchase price between the Mondavi family and Mondavi's public shareholders. Initially, the settlement required enhanced disclosures regarding the merger terms, process, and financial operations of Mondavi designed to guarantee a fully informed shareholder vote. Subsequently, a settlement of the action for \$10.8 million, representing some 30% of the alleged damages suffered by Mondavi's public shareholders, was reached after years of intense litigation over the proper interpretation of Mondavi's Articles of Incorporation involving unprecedented questions of corporate governance under both California and Delaware law.

**MARY JANE FAIT:** *admitted:* New York; Illinois; U.S. District Courts for the Southern and Eastern Districts of New York, and Northern District of Illinois; U.S. Court of Appeals for the Seventh Circuit. *Education:* St. John's College and University of Illinois (B.A., Economics, 1976); Cornell Law School (J.D., 1979). Member: Chicago Bar Association; Illinois Bar Association; Antitrust Division of the American Bar Association.

**PETER C. HARRAR:** *admitted:* New York; U.S. District Courts for the Southern, Eastern and Northern Districts of New York. *Education:* Princeton University (A.B., with high honors, 1980); Columbia University (J.D., 1984). Phi Beta Kappa. Mr. Harrar has extensive experience in complex securities and commercial litigation on behalf of individual and institutional clients.

**LAWRENCE P. KOLKER:** *admitted:* New York; U.S. Courts of Appeals for the Second and Eleventh Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, Western District of Michigan and the District of Colorado. *Education:* State University of New York at Binghamton (B.A., 1978); Brooklyn Law School (J.D., 1983). Editor, *Brooklyn Law Review*, 1982-1983. Panelist, Early Neutral Evaluator for the Eastern District of New York, 1992-1997. Lecturer, Brooklyn Law School, 1989. Assistant Corporation Counsel, City of New York, 1983-1987. Member: The Association of the Bar of the City of New York; New York State Bar Association. Mr. Kolker has spoken at numerous conferences of the Investment Program Association and the Strategic Research Institute concerning limited partnership tender offers and litigation strategies, and has published articles entitled "Litigation Strategies for Limited Partnership Tender Offers" (February 1996) and "Limited Partnership Five Percent Tender Offers" (October 1997) in *Standard & Poor's Review of Securities and Commodities Regulation*. Mr. Kolker has acted as lead counsel in numerous

class and derivative actions asserting the rights of investors since joining Wolf Haldenstein in 1989. Mr. Kolker also counsels investment management firms in transactional and securities matters and represents them in corporate and business litigation.

**MARK C. RIFKIN:** *admitted:* New York; Pennsylvania; New Jersey; U.S. Supreme Court; U.S. Courts of Appeals for the Second, Third, Fifth, and D.C. Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, the Eastern and Western Districts of Pennsylvania, the District of New Jersey, the Eastern District of Wisconsin and the Western District of Michigan. *Education:* Princeton University (A.B., 1982); Villanova University School of Law (J.D. 1985). Contributor, *PACKEL & POULIN, Pennsylvania Evidence* (1987). Mr. Rifkin has extensive experience in complex class and derivative actions in securities, ERISA, antitrust, intellectual property, and consumer protection litigation. Mr. Rifkin has extensive trial experience in class and derivative actions, including *In re National Media Corp. Derivative Litig.*, C.A. 90-7574 (E.D. Pa.), *Upp v. Mellon Bank, N.A.*, C.A. No. 91-5229 (E.D. Pa.), where the verdict awarded more than \$60 million in damages to the Class (later reversed on appeal, 997 F.2d 1039 (3d Cir. 1993)), and *In re AST Research Securities Litigation*, No. 94-1370 SVW (C.D. Cal.), as well as a number of commercial matters for individual clients. Mr. Rifkin has lectured before diverse business and professional organizations in the areas of securities and complex litigation and corporate governance, serves as a moot court judge for the A.B.A. and at New York University Law School, and is a frequent guest lecturer to graduate and undergraduate economics and finance students on corporate governance topics.

**MICHAEL JAFFE:** *admitted:* California; New York; U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* University of California at Berkeley (B.S., with highest distinction, 1982); Hastings College of the Law, University of California (J.D., 1987). Judicial Extern to the Honorable Thelton E. Henderson, Northern District of California, 1986-1987. Member: The Association of the Bar of the City of New York. Languages: French.

**BETSY C. MANIFOLD:** *admitted:* Wisconsin; New York; California; U.S. District Courts for the Western District of Wisconsin, Eastern and Southern Districts of New York, and Northern, Central and Southern Districts of California. *Education:* Elmira College; Middlebury College (B.A., *cum*



*laude*, 1980); Marquette University (J.D., 1986); New York University. Thomas More Scholar. Recipient, American Jurisprudence Award in Agency. Member: The Association of the Bar of the City of New York. Languages: French.

**ALEXANDER H. SCHMIDT:** *admitted:* New York; New Jersey; United States Supreme Court, United States Court of Appeals for the Second Circuit, and the United States Court of Federal Claims. *Education:* State University of New York, Stony Brook (B.A., 1981); Brooklyn Law School (J.D., 1985). Mr. Schmidt concentrates on sophisticated commercial litigation, including matters involving antitrust, class actions, banking, commercial factoring, securities fraud, civil RICO, real estate, intra-corporate and partnership disputes, and legal and accounting malpractice. His noteworthy, groundbreaking successes include *Dresses For Less, Inc. v. CIT Group/Commercial Services, Inc.*, 2002 U.S. Dist. LEXIS 18338; 2002-2 Trade Cas. (CCH) P73,828 (S.D.N.Y. Sept. 30, 2002) (sustaining Sherman Act claims against commercial factoring industry); *Atkins & O'Brien L.L.P. v. ISS Int'l Serv. Sys.*, 252 A.D.2d 446; 678 N.Y.S.2d 596 (1st Dep't 1998) (lawyers could recover future fees under estoppel exception to general rule that client can terminate relationship at any time as lawyers founded law firm and expended start-up costs based on client's promises of future fees); *Bank Brussels Lambert v. Credit Lyonnais (Suisse) S.A.*, 160 F.R.D. 437 (S.D.N.Y. 1995) (attorney client privilege held waived as to inadvertently disclosed documents not protected by "common interest" doctrine). Mr. Schmidt was an Assistant Adjunct Professor of Law at Brooklyn Law School in 1998 and 1999, where he co-taught a seminar on Federal Discovery Practice.

**GREGORY M. NESPOLE:** *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York; United States Court of Appeals for the Second, Fourth, and Fifth Circuits. *Education:* Bates College (B.A., 1989); Brooklyn Law School (J.D., 1993). Member: The Association of the Bar of the City of New York; New York State Bar Association. Mr. Nespole's experience includes complex civil and criminal litigation. Mr. Nespole is responsible for the investigation, initiation and prosecution of securities class actions and derivative litigations on behalf of the firm throughout the Country. Mr. Nespole also devotes a considerable amount of time to litigating issues surrounding mergers and acquisitions. Mr. Nespole also represents corporate defendants with respect to class certification issues and structuring class-wide settlements. He has been approved as a panel attorney by a major insurance company to address certification issues. Mr.

WOLF  
MALDENSTEIN  
ADLER FREEMAN  
& HERZ LLP

Nespole is the co-chair of the firm's *Madoff Litigation Task Force*. He has been elected a "Super Lawyer" each year since 2009.

**DEMET BASAR:** *admitted:* New York; New Jersey; U.S. District Court for the District of New Jersey, Southern District of New York, and Eastern District of Wisconsin. *Education:* Fairleigh Dickinson University (B.A., *summa cum laude*, 1984), Phi Omega Epsilon; Rutgers University School of Law (J.D., 1990). Recipient, West's Scholarship Award, Senior Notes and Comments Editor, *Rutgers Law Review*. Member: The Association of the Bar of the City of New York. Languages: Turkish.

**ADAM J. LEVITT:** *admitted:* Illinois; Supreme Court of the United States; U.S. Courts of Appeals for the First, Seventh, and Eighth Circuits; U.S. District Courts for the Northern and Southern Districts of Illinois, Northern District of Indiana, District of Nebraska, District of Colorado, and the Northern and Eastern Districts of Texas. *Education:* Columbia College, Columbia University (A.B., *magna cum laude*, 1990); Northwestern University School of Law (J.D., 1993). *Member:* President, Class Action Trial Lawyers of the National Trial Lawyers; American Law Institute (Members Consultative Groups: Principles of the Law of Aggregate Litigation, the Restatement of the Law (Third) Restitution and Unjust Enrichment, and the Restatement of the Law (Third) Torts: Liability for Economic Loss); Board of Advisors of the American Constitution Society for Law and Policy (Chicago Lawyer Chapter); Seventh Circuit Contributing Editor, *Class Actions & Derivative Suits* (ABA); Consulting Participant: "Calculation of Securities Litigation Damages" (National Association of Public Pension Attorneys, Securities Litigation Damages Calculation Taskforce). *Publications:* *CAFA and Federalized Ambiguity: The Case for Discretion in the Unpredictable Class Action*, 120 YALE L.J. ONLINE 233 (2011); *Taming the Metadata Beast*, N.Y. LAW JOURNAL, May 16, 2008; *Foreign Investors Serving as Lead Plaintiffs in U.S.-Based Securities Cases*, International Practice Section Newsletter (Association of Trial Lawyers of America, Washington, D.C.), Winter 2004 and Spring 2005; *Proposed Rule 225: A Death Warrant for Class Actions in Illinois*, 93 ILL. B.J. 202 (2005); *The Big Business Wish List: Proposed Illinois Supreme Court Rule 225 and the Demolition of Consumer Rights*, The Class Act (The Newsletter of the National Association of Securities and Consumer Law Attorneys), February 25, 2005; and *An Illinois Lawyer's Guide to Service of Process in Mexico*, 82 ILL. B.J. 434 (1994).

Mr. Levitt has testified before the Illinois Supreme Court Rules Committee on class action practice and related issues. He also speaks nationally on a wide range of topics, including: (a) "Class Actions in Medical Device and Pharmaceutical Litigation," HarrisMartin TVM/Actos Litigation Conference (Miami, January 25, 2012); (b) "Trial Lawyers and Class Actions: Protecting Consumers and Elevating Your Practice," The National Trial Lawyers' Trial Lawyers Summit (Miami Beach, January 25, 2012); (c) "Current Developments in Consumer Protection Litigation," Louisiana State Bar Association, 11th Annual Class Action/Mass Tort Symposium (New Orleans, December 9, 2011); (d) "Imprelis Herbicide Litigation Spotlight," HB Litigation Conferences (November 2, 2011); (e) "Multi-State Litigation in the Post-CAFA World," Law Seminars International, Litigating Class Actions Conference, (Chicago, October 24-25, 2011) (Conference Co-Chair); (f) "Ethical Implications of Class Action and Mass Tort Settlements," American Association for Justice, Summer Conference (New York, July 12, 2011); (g) "Modifying Your Approach for Multi-State Class Actions," Law Seminars International, Litigating Class Actions Conference (Seattle, May 20, 2011); (h) "Privacy Litigation: The Evolution in Theories and Outcomes," International Association of Privacy Professionals "Privacy Academy" (Boston, September 2009); and (i) "Legal Strategies to Fight Negative Effects of Genetic Engineering," 2007 Public Interest Environmental Law Conference (Eugene, March 2007). In recognition of his achievements, Mr. Levitt has been rated "AV" by Martindale-Hubbell, was named one of Avenue Magazine's "Legal Elite," is an Illinois "Super Lawyer," and is included in the 2011 Lawdragon 500 Leading Lawyers in America.

Substantially all of Mr. Levitt's practice is focused on complex commercial litigation and class action practice on both the trial and appellate court levels, in federal and state courts nationwide, in the areas of securities, antitrust, consumer protection, technology, and agricultural law. Since 1993, Mr. Levitt has served as lead counsel, co-lead counsel, or in other leadership positions in numerous class and other complex litigations throughout the United States that have resulted in recoveries in excess of \$1 billion for his clients and other class members. He presently serves as Co-Lead Counsel in *In re Genetically Modified Rice Litigation*, MDL No. 1811 (E.D. Mo.), in which he represents the interests of United States long-grain rice producers seeking to recover damages they sustained resulting from the contamination of the U.S. rice supply with unapproved, genetically-modified rice seed traits. That case settled on July 1, 2011 for \$750,000,000. He is also serving as Interim-Co-Lead Counsel in *In re Imprelis Herbicide*,