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Proposed Liaison Counsel

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**
17 **WESTERN DIVISION**

18 SONAM BAKSHI, on Behalf of Himself
19 and All Others Similarly Situated

20 Plaintiff

21 v.

22 HENRY SAMUELI, SCOTT A
MCGREGOR, WILLIAM J. RUEHLE,
23 BRUCE E. KIDDOO AND
24 BROADCOM CORPORATION

25 Defendants

Case No. CV06-05036 R (CWx)
(Related to CV 06-00663 R (CW) and
CV06-0771 R (CW))

CLASS ACTION

**DECLARATION OF AARON H.
DARSKY IN SUPPORT OF MOTION
OF THE ITAIPU PENSION FUND;
TO BE APPOINTED LEAD
PLAINTIFF ; TO CONSOLIDATE
RELATED CASES AND TO
APPROVE PROPOSED LEAD
PLAINTIFF'S CHOICE OF
COUNSEL**

Date: November 20, 2006

Place: Courtroom 8

Time: 10:00 a.m.

Hon. Manuel L. Real

1 I, Aaron H. Darsky declare as follows:
2

3 1. I am a member in good standing of the state bar of California. I
4 am an attorney at Schubert & Reed LLP, proposed liason counsel for Movant Itaipu
5 Pension Fund. I submit this declaration in support of the motion filed by The Itaipu
6 Pension Found to: (1) consolidate related cases; (2) be appointed as Lead Plaintiff;
7 and (3) approve Lead Plaintiff's selection of counsel for the class.

8 2. Attached as exhibits are true and correct copies of the following:

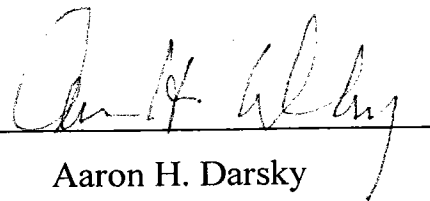
9 Exhibit A: Certification of The Itaipu Pension Found with detailed listing of
10 transactions.

11
12 Exhibit B: Published Notice of the first securities class action complaint filed
13 in this matter in the United States District Court for the Central District of
14 California.

15
16 Exhibit C: Firm Biography for Proposed Lead and Liaison Counsel

17
18 I declare, under penalty of perjury of the laws of the United States, that the
19 foregoing is true and correct to the best of my knowledge.
20

21
22 Executed this 12th day of October, 2006.

23
24 
25
26
27
28

Aaron H. Darsky

EXHIBIT A

CERTIFICATION IN SUPPORT OF APPLICATION FOR LEAD PLAINTIFF

Caja Paraguaya de Jubilaciones y Pensiones
del Personal de la Itaipu Binacional ("plaintiff") declares, as to the claims asserted
na1.-

under the federal securities law, that:

1. Plaintiff has fully reviewed the facts of the complaint(s) filed in this action alleging violations of the securities laws and plaintiff is willing to serve as a lead plaintiff in this case and all other related cases that may be consolidated with it.

2. Plaintiff did not purchase securities of Broadcom Corp. at the direction of counsel or in order to participate in a private action under the federal securities laws.

3. Plaintiff is willing to serve as a representative party on behalf of a class, including providing testimony at deposition and trial, if necessary.

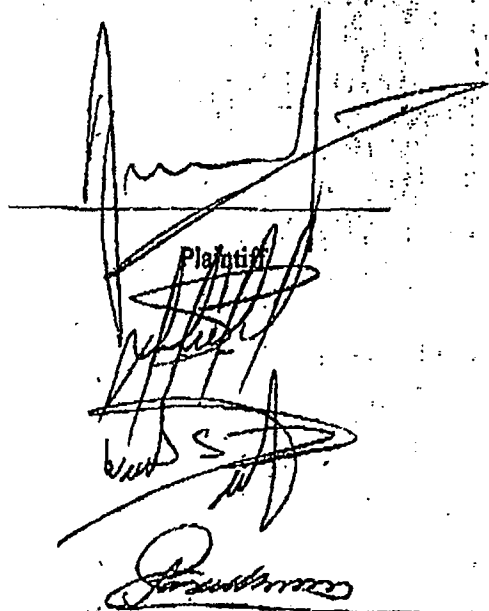
4. During the Class Period, plaintiff has executed transactions in the securities of Broadcom Corp. as follows. See Attached Schedule.

5. In the last three years, plaintiff has not sought to serve as a representative party on behalf of a class in an action filed under the federal securities laws, except as indicated herein.

6. Plaintiff will not accept payment for serving as a lead plaintiff beyond its pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the Class as ordered or approved by the Court.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: September 10, 2006.


Plaintiff

Itaipu Pension Fund BRCM Transactions

DATE	BUY	No Shares	Price/Share	Gross Cost
2/23/2006	BUY	43,956	\$45.50	\$ 2,000,000.00
	TOTAL BUY	43,956		\$ 2,000,000.00

EXHIBIT B

Yahoo! My Yahoo! Mail

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Welcome, [willem_jonckheer](#)
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market WIRE™
a CCNMatthews Company

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Financial News

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Basic

Get

[Symbol Lookup](#)

Press Release

Source: Kahn Gauthier Swick, LLC

KGS Announces Filing of Shareholders Securities Fraud Class Action Against Broadcom Corp. - (NASDAQ: BRCM)

Sunday August 13, 2:32 pm ET

NEW ORLEANS, LA--(MARKET WIRE)--Aug 13, 2006 -- Kahn Gauthier Swick, LLC ("KGS") announces that it has filed a class action lawsuit in the United States District Court for the Central District of California, Western Division on behalf of shareholders who purchased, exchanged or otherwise acquired the common stock and other securities of Broadcom Corporation ("Broadcom" or the "Company") (NASDAQ:BRCM - [News](#)) between July 21, 2005 and July 13, 2006.

Broadcom and certain of its officers and directors are charged with issuing a series of materially false and misleading statements in violation of Section 10(b) and 20(a) of the Exchange Act and Rule 10b-5 promulgated thereunder. On July 14, 2006, Broadcom announced that it would record more than \$750 million in added expenses and restate its past earnings related to the illegal backdating of stock options. Prior to any news of options backdating reaching in the market, shares of Broadcom traded at slightly above \$40.00 per share and, thereafter, shares traded down to approximately \$27.50 per share -- a rapid decline of over 31%.

Options pricing backdating occurs when options grants to senior officers or directors of public companies are made at prices lower than the trading price of the stock on the date such options are granted. The undisclosed backdating of options violates generally accepted accounting principles.

If you wish to serve as lead plaintiff, you must move the Court no later than 60 days from today. Any member of the purported class may move the Court to serve as lead plaintiff through counsel of their choice, or may choose to do nothing and remain an absent class member. If you would like to discuss your legal rights, you may e-mail or call KGS, without obligation or cost to you. You may contact Managing Partner Lewis Kahn of KGS direct, toll free 1-866-467-1400, ext., 100, or 504-648-1850, or by email at lewis.kahn@kglg.com.

Contact:

Contact:
Lewis Kahn
KGS
1-866-467-1400, ext. 100
504-648-1850
email: lewis.kahn@kglg.com

Source: Kahn Gauthier Swick, LLC

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EXHIBIT C



ATTORNEYS at LAW

**CLIMACO / LEFKOWITZ / PECA / WILCOX & GAROFOLI
CO., LPA**

Litigation / Business Law / Municipal Law / Personal Injury

Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., L. P.A. ("Climaco" or the "Firm") is a nationally recognized firm with extensive experience in handling all forms of civil and criminal litigation. The Firm's litigation experience encompasses complex commercial and business litigation including, ERISA securities class actions, consumer class actions, securities derivative litigation, pharmaceutical and medical device class actions. The Firm also has extensive experience in the areas of municipal litigation, eminent domain, real estate, environmental and land use litigation, construction litigation, white collar criminal defense, and personal injury litigation. Moreover, the Firm's litigation attorneys routinely utilize the Firm's business and transactional attorneys for expertise in the areas of ERISA contracts, employment law, executive compensation, corporate transactions, financial institutions and municipal bond, insurance coverage, mergers and acquisitions, professional malpractice, and securities transactions.

Climaco Lefkowitz has repeatedly been recognized by professional associations and courts throughout the country for its exemplary record in its representation of plaintiffs in complex, multi-party actions. Recently, the Securities Class Action Services ("SCAS"), a wholly owned subsidiary of Institutional Shareholder Services that maintains the leading database on securities class action litigation, ranked Climaco Lefkowitz as 17th of the top 50 plaintiffs' law firms as ranked by total dollar amount of securities class action settlements occurring in 2005.

The following non-exhaustive list describes some of the more recent matters in which courts around the country have appointed Climaco Lefkowitz to the leadership structure in representing plaintiffs in class actions and/or complex, multi-party actions: Co-Lead and Class Counsel, In Re: Inter-Op Hip Prosthesis Liability Litigation, MDL No. 1401 (N.D. Ohio) (settlement value \$1.035 billion); Plaintiffs' Steering Committee and Co-Chairman of the Discovery Committee In Re: Baycol Litigation Products, MDL 1431 (D. Minn.); Co-Lead Counsel In Re: OM Group Securities Litigation, Case No. 02 CV-2163 (N.D. Ohio) (\$92.4 million settlement); Class Counsel in Brack, et al. vs. General Motors Corporation, Case No. CV 98 04046, Superior Court of New Mexico (\$10 million settlement); Member of the Executive Committee in In Re: Scrap Metal Antitrust Litigation, Case No. 1:02CV0844 (N.D. Ohio); Co-Lead Counsel In Re: Meridia Products Liability Litigation, MDL No. 1481, (N.D. Ohio); Liaison Counsel In Re: Welding Rod Products Liability Litigation, MDL Docket No. 1535 (N.D. Ohio); Lead Counsel Garlich v. Bowman, et al., Common Pleas Court of Ohio (shareholder derivative action) (corporate governance settlement); Co-Lead Counsel Kannally v. Ameritech, Cuyahoga County Common Pleas Court, Case No. 408958; Co-Lead Counsel In re: Ford Motor Company Crown Victoria Police Interceptor Products Liability Litigation, U.S. District Court, N.D. Ohio, Case No. 02-CV-1500

John R. Climaco: Cleveland Office (216) 522-0265
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In 1969, John R. Climaco, a 1967 graduate of Case Western Reserve University Law School, founded Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., L.P.A., currently a 17-member law firm, with offices in Cleveland, Ohio and Washington, D.C. He currently devotes the majority of his time to complex and class action litigation, including securities, consumer fraud, ERISA, mass tort, product liability, antitrust, toxic tort and RICO.

The National Law Journal named him one of the 100 most powerful lawyers in the United States.

From 1984 to July 1988, he served as General Counsel of the International Brotherhood of Teamsters. He has also represented Kent State University (1974-1994); the State of Ohio; the City of Cleveland; the Cleveland Board of Education; and, until his untimely death, Sammy Davis, Jr.

On March 22, 1992, he was appointed by Thomas Lambros, former Chief Judge of the United States District Court, Northern District of Ohio as a member of the Plaintiffs' Steering Committee and one of the trial counsel in a case against USAir arising out of the crash of Flight 405 at LaGuardia Airport in March, 1992, In Re: Air Disaster at New York LaGuardia Airport on March 22, 1992, MDL Docket No. 936.

From 1994 to 2004 he was a member of the Castano Plaintiff's Legal Committee ("PLC") serving as Acting Chairman of the PLC and Co-Chairman of various committees, including the Discovery and Fee Committees. He is a member of the trial team in Scott, et al. vs. The American Tobacco Company, Inc., et al., Class Action Claim No. 96-8461 in the Civil District Court of Louisiana, Parish of Orleans and the Coordination Proceeding Special Title (Rule 1550(b) (\$591 million jury verdict on appeal) In Re: Tobacco Cases II in the Superior Court of the State of California for the County of San Diego, Case No. 711400. In 2000, he and the other 50 Castano law firms received the "Breath of Life Award" from the American Lung Association for their work in representing millions of claimants against the tobacco industry.

He served as one of the Class Counsel in Brack, et al. vs. General Motors Corporation, Case No. CV 98 04046, Superior Court of New Mexico, County of Bernalillo (\$10 million National Settlement).

On July 6, 2001, the Honorable Kathleen M. O'Malley appointed him Co-Lead and Class Counsel In Re: Inter-Op Hip Prosthesis Liability Litigation, MDL No. 1401, U.S. District Court, Northern District of Ohio, Eastern Division (\$1.035 billion settlement). On February 1, 2001, the Honorable Michael J. Davis appointed John a member of the Plaintiffs' Steering Committee and Co-Chairman of the Discovery Committee In Re: Baycol Litigation Products, MDL 1431, U.S. District Court of Minnesota. On July 25, 2002, the Honorable Kathleen M. O'Malley appointed him a member of the Executive Committee in In Re: Scrap Metal Antitrust Litigation, Case No. 1:02CV0844. On September 25, 2002, the Honorable James S. Gwin appointed him Co-Lead Counsel In Re: Meridia Products Liability Litigation, MDL No. 1481, U.S. District Court, Northern District of Ohio, Eastern Division. On March 28, 2003, the Honorable Donald C. Nugent, appointed John as Co-Lead Counsel In Re: OM Group Securities Litigation, Case No. 02 CV-2163, U.S. District Court, Northern District of Ohio, Eastern Division (\$92.4m settlement). On September 16, 2003, Judge O'Malley appointed him Liaison Counsel in In Re: Welding Rod Products Liability Litigation, MDL Docket No. 1535.

John has represented police officers for over thirty (30) years. He has served as General Counsel to the Ohio Patrolmen's Benevolent Association comprised of 6000 police officers in 35 counties throughout the State of Ohio and currently serves as Civil Counsel to the Cleveland Fraternal Order of Police, Lodge No. 8.

John has lectured on trial preparation and practice, RICO, ERISA, Mass Torts, Class Actions, MDL Proceedings, white collar criminal defense, labor and employment law throughout the country including the Stetson University College of Law's Annual Conference; the New York City Bar Association; the Aspen, Colorado Advanced Criminal Law Institute; the Case Western Reserve College of Law-CLE Program; the Health Care Section Conference of the Cleveland Bar Association; the Columbus Bar Association's Annual Litigation Institute; the Institute of Business Law of California State University, Los Angeles and the Ohio CLE Institute. In January and May 2001, he was a panel member in the Mealey's Baycol Seminar in San Diego, California. On October 24, 2003 John was a Keynote Speaker at the Fourth Annual Class Action/Mass Tort Symposium in New Orleans sponsored by the Louisiana State Bar Association. On November 16, 2004, he was a panel member at the American Conference Institute's Welding Rod Litigation Conference in New Orleans. In April, 2006, he was Co-Chair of the Mealey's Welding Fume Litigation Conference. He has also appeared on local and national radio and television, including The Phil Donahue Show, Larry King Live, Night Line, Good Morning America, and The Greta Van Susteren Show discussing various legal issues.

He is a Life Member of the Judicial Conference of the Sixth Circuit Judicial Circuit of the United States, as well as a Charter and Life Member of the Judicial Conference of the Eighth Judicial District of Ohio. Donald C. Nugent, Judge United States District Court, Northern District of Ohio appointed him as a Member of the Advisory Group to the United States District Court for the Northern District of Ohio.

He is a former Trustee and current Advisory Board Member of the Alzheimer's Disease and Related Disorders; a former Trustee of the Center for Mental Retardation, which selected him to receive the 1992 and the 1997/98 Service to the Center Award and in 2003 received an award for outstanding commitment to individuals with MR/DD; John currently serves on the Board of Our Lady of the Wayside. He is a member of the Justinian Forum which serves as a professional organization for attorneys and judges of Italian heritage in Northern Ohio.

On May 6, 2000 he received the Ellis Island Medal of Honor.

John A. Peca: Cleveland Office (216) 522-0991
japeca@climacolaw.com

Mr. Peca received a Bachelor of Science in Business Administration degree as an accounting major from John Carroll University in 1974 and his Juris Doctor degree from Case Western Reserve University in 1977. Prior to joining the Firm in 1980, Mr. Peca practiced as a Certified Public Accountant for several years concentrating in taxation and strategic issues facing closely held businesses. Mr. Peca formerly served as co-chairperson of the Firm's Commercial & Business Law Section with a concentration on the areas of Closely Held Businesses, Mergers & Acquisitions and Strategic Planning.

He has extensive experience in the area of Fiduciary Duties under the Employee Retirement Income Security Act including litigation of ERISA matters during the past twenty years in numerous Federal Courts throughout the country.

Mr. Peca served as Special Counsel to the Ohio Turnpike Commission from 1991 to 2003. In that capacity he and the Firm represented the Commission in several matters including the

issuance of Bonds in excess of \$1.2 billion, litigation matters, and various issues in connection with the Commission's \$1billion expansion project.

Mr. Peca is a member of the Ohio Society of Certified Public Accountants, the American Institute of Certified Public Accountants, the American Society of Attorney-Certified Public Accountants, the Cleveland, Ohio, and American Bar Associations. He is a Life Delegate to the Judicial Conference of the Eight Judicial Circuit of the State of Ohio. Mr. Peca is admitted to practice before the United States Supreme Court, the Supreme Court of the State of Ohio, the United States Tax Court, the United States District Court for the Northern District of Ohio, the United States District Court for the Southern District of Ohio, the District of Columbia Court of Appeals, the United States District Courts for the District of Columbia and the Eastern District of Texas, and the United States Courts of Appeals for the Sixth Circuit, Seventh Circuit and for the District of Columbia.

Mr. Peca is very active in civic and charitable organizations in the Greater Cleveland area including serving as a member of the Board of Trustees of Gilmour Academy, a member of the Advisory Board of Cleveland Central Catholic High School, Secretary-Treasurer and Executive Committee member of the NOIA Foundation, former President and Board member of Alta Social Settlement House and Vice Chairman and Board member of Neighborhood Centers Association. He has also served as a member of the Board of Trustees of Lyric Opera Cleveland and University Circle Incorporated as well as the Legal Advisory Board of the National Conference of Unions and Employee Benefit Funds.

Mr. Peca is a member of the Gates Mills Players, the Gates Mills Improvement Society and a patron of the Gates Mills Historic Society.

Dennis R. Wilcox: Cleveland Office (216) 522-0272
drwilc@climacolaw.com

As Chairperson of the Commercial, Transactional & Business Law Section, Mr. Wilcox supervises transactional, commercial litigation and general business matters. He also heads the Firm's Public Finance and Municipal Bond Practice and has participated as Bond Counsel, Underwriter's Counsel or Issuer's Counsel on over \$3,000,000,000 in public finance transactions since 1979. He has served as special counsel to the Ohio Attorney General for Kent State University from 1974 to 1994 and acted as Chief Special Counsel for litigation matters to Kent State University from 1983 to 1994. Mr. Wilcox graduated cum laude with a degree in Political Science from the Ohio State University in 1974 and received his Juris Doctor degree in 1977 from Case Western Reserve University where he was a member of the Order of Coif.

Mr. Wilcox is primarily responsible for handling a myriad of issues as general counsel for Cleveland-Cuyahoga County Port Authority, including the following transactions since 1993: Rock and Roll Hall of Fame and Museum, Applied Industrial Technologies Headquarters Project, OfficeMax and MTD Corporate Office Expansions, Acquisition of C&P Ore Docks and Old River Properties, financings for new Cleveland Football Stadium, ESSROC, Inc., Jergens, Inc. and NOACA, Playhouse Square and RITA.

Mr. Wilcox has served as the supervising principal of the Firm since 1990 for the representation of Gateway Economic Development Corporation of Greater Cleveland, including involvement in over \$350,000,000 in financing, and handling real estate issues, litigation and negotiation of structure of transaction and leases to the professional sports franchises. In addition, Mr. Wilcox has extensive experience in transactional work for private and public clients in areas of Finance, Real Estate, Securities and Bankruptcy and in Litigation, including commercial, education and employment law litigation for private and public clients.

Mr. Wilcox served as Counsel to Starwood Wasserman LLC, in its \$100 million University Square retail redevelopment of the "Kaufmann's on the Heights" in University Heights, Ohio.

Mr. Wilcox is admitted to the Supreme Court of the State of Ohio, the United States District Court, Northern District of Ohio, the United States District Court, Eastern District of Michigan, the District of Columbia, the United States Tax Court, the United States Courts of Appeals, for the Third and Sixth Circuits. He is a member of the American, Ohio and Cleveland Bar Associations, the National Association of Bond Lawyers and the National Association of College and University Attorneys.

Mr. Wilcox has also served in a variety of community activities and offices, including: Member, City Council, Cleveland Heights, Ohio; Member, Board of Zoning Appeals, City of Cleveland Heights, Ohio - October 1998 to December 1999; Member, Fair Housing Board, City of Cleveland Heights, Ohio - February 1998 to October 1998; Board of Trustees, Cleveland Heights Democratic Club, 1999; Chairperson of Facilities Committee for Cleveland Heights/University Heights, Ohio Schools Five Year Strategic Plan - 1991-1996; Member of the Temple. Mr. Wilcox received PVA Circle of Homes Award for Community Service - 1994.

Thomas J. Tarantino: Cleveland Office (216) 522-0262
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A principal in the Firm's Commercial, Transactional and Business Law section, Thomas J. Tarantino lends his expertise to the Firm in the areas of corporate and business law, real estate and public finance. Mr. Tarantino has represented business clients in a wide range of complex transactions including asset acquisitions, stock transactions, commercial financing, franchise development and real estate acquisition and development. As part of his public finance practice, he has participated as bond counsel in note and bond issuances of several state, local and quasi-governmental agencies. He has also acted as special counsel in the creation of an Enterprise Zone and in several special assessments. He participated in the Firm's representation as underwriters' counsel and issuers' counsel in numerous other actions, including the Gateway Economic Development Corporation and Rock and Roll Hall of Fame and Museum projects. Mr. Tarantino is a member of the National Association of Bond Lawyers.

Mr. Tarantino is admitted to the Supreme Court of Ohio, the United States District Court, Northern District of Ohio and the United States Court of Appeals for the Sixth Circuit. Mr. Tarantino is a member of the Ohio and Cleveland Bar Association. A Lake County resident, Mr. Tarantino is also a member of the Lake County Bar Association, where he serves on the Real Estate Committee and the Grievance Committee.

Consistent with the Firm's commitment to community service and charitable support, Mr. Tarantino serves various area charitable and community organizations. Mr. Tarantino currently serves on the Boards of the Montessori School at Holy Rosary and Little Italy Redevelopment Corporation and serves as General Counsel to The Children's Museum of Cleveland. Mr. Tarantino is also a member of the NOIA Foundation and The Justinian Forum.

David M. Cuppage: Cleveland Office (216) 522-0491
dmcupp@climacolaw.com

Litigation and Business Law Sections. Mr. Cuppage received his Bachelor of Arts Degree from Kent State University and his Juris Doctor from Cleveland-Marshall College of Law, Cleveland State University, where he was a senior editor of the Cleveland State Law Review. Mr. Cuppage is a former Judicial Clerk for Judge Francis E. Sweeney (1991-1993) and Judge Donald C. Nugent (1993-1995) at the Eighth District Court of Appeals, Cuyahoga County, Ohio. Mr. Cuppage

practices in state and federal Trial and Appellate Courts in the areas of General, Commercial, Business, Intellectual Property, Unfair Competition, Trade Secret, Municipal, Construction, Real Estate, Land Use and Environmental, Securities Class Actions, and Employment Litigation, and before administrative boards and tribunals in the areas of land use and environmental law, and also provides advice and counseling on general business and transactional areas.

Mr. Cuppage, Co-Chair of the Litigation Department, is admitted to the Ohio Supreme Court, United States District Court for the Northern District of Ohio, United State District Court for the Southern District of Ohio and the United States Sixth Circuit Court of Appeals. Cuppage is a frequent lecturer on Intellectual Property and Environmental Law issues. Cuppage has argued before the Ohio Supreme Court and numerous state appellate courts and has extensive first chair trial experience in state and federal courts as well as in AAA arbitrations and private arbitrations. Cuppage is a member of the Ohio State and Cleveland Bar Associations and has served on various committees including the Intellectual Property Law Committee of the Cleveland Bar Association and the Intellectual Property Law Section of the Ohio State Bar Association.

Keith T. Vernon: Washington, D. C. Office (202) 887-4777
ktvern@climacolaw.com

Mr. Vernon is a member of the Firm's Litigation Section since joining the Firm in 1996 and is currently Co-Chair of the Firm's Employment Law Section. Mr. Vernon received his undergraduate degree from St. Joseph's University in 1991; and his Juris Doctor degree from Loyola University School of Law in 1996. Mr. Vernon focuses his practice on products liability actions; consumer and product class actions and employment law. Mr. Vernon serves as a counsel member in numerous class actions including cigarette class actions in Louisiana (*Scott v. American Tobacco*, verdict of \$591 million, currently on appeal) and California. Mr. Vernon has litigated cases in State and Federal Courts across the country, as well as Arbitration before the National Association of Securities Dealers (NASD). Mr. Vernon is admitted to the Ohio Bar and District of Columbia Bar, and is a member of the American Bar Association and the American Trial Lawyers Association. Mr. Vernon has served as a guest lecturer at Loyola University School of Law and lectured as faculty on litigation topics before the National Business Institute's Continuing Legal Education Program. Mr. Vernon resides in Annapolis, Maryland and is located in the Firm's Washington, D.C. office.

David W. Neel: Cleveland Office (216) 522-0290
dwneel@climacolaw.com

Chairperson of the Firm's Employment Law Practice and specializing in plaintiffs-side employment litigation, Mr. Neel received a Bachelor of Arts with honors from Kenyon College, his law degree with honors from Cleveland-Marshall College of Law and a Masters Degree in Law from Columbia University Law School. Mr. Neel also served as an Editor of the Cleveland State Law Review. After serving as a judicial clerk for the Honorable Ann Aldrich, United States District Court Judge in Cleveland, Mr. Neel represented Fortune 500 companies in complex commercial and employment litigation. Having extensive experience in defense-side litigation, particularly employment litigation, Mr. Neel brings a unique background to the Firm that enables him to fight toe-to-toe with his former colleagues in the defense bar. Mr. Neel has wide-ranging experience in the trial and appellate divisions in both federal and state courts.

Mr. Neel is an Adjunct Professor of Evidence at Cleveland-Marshall College of Law. He has lectured on various employment law-related topics and has written articles addressing such topics, most recently on the subject of Employer Vicarious Liability, published in the April 2004 issue of the Cleveland Bar Association Journal. His peers have honored him with a nomination to an officer's position for 2004-2005 in the Litigation Section of the Cleveland Bar Association.

Mr. Neel has devoted significant amounts of his time as a volunteer with the Free Clinic of Greater Cleveland Legal Services Program. He is a member of the Cleveland, Ohio State and American Bar Associations and is a member of those associations' employment and litigation sections. He is outside General Counsel and a member of the Advisory Boards of New House Communications, Inc. and Knowbase Networks, both software development and "e-learning" companies.

Dawn Chmielewski: Cleveland Office (216) 522-0290
dxchmi@climacolaw.com

Dawn M. Chmielewski is a member of the firm's Litigation Section. She received her Bachelor of Science in Nursing degree from the University of Akron in 1996. Ms. Chmielewski received her law degree from Cleveland-Marshall College of Law, graduating magna cum laude in 2004.

Prior to her employment at the Firm, Ms. Chmielewski worked as a registered nurse for eight years. She is experienced in both cardiac and emergency nursing. Since coming on board with the Firm, she has been working in the area of Mass Torts.

John F. Corrigan: Cleveland Office (216) 522-0470
jfcorr@climacolaw.com

A member of the Litigation Section, Mr. Corrigan received his Bachelor of Arts degree from John Carroll University, cum laude in 1983 and his Juris Doctor from the Cleveland-Marshall College of Law in 1986. Mr. Corrigan was an Assistant Cuyahoga County Prosecutor in its Criminal Trial Division from 1986 to 1997.

Mr. Corrigan concentrates his practice in state and federal courts in the areas of Civil Litigation, Criminal Law and Personal Injury.

Joseph P. Fegen: Cleveland Office (216) 522-0960
jpfege@climacolaw.com

A member of the Corporate, Transactional & Business Law Section, Mr. Fegen received his Bachelor of Arts degree with Honors from the University of Dayton and his Juris Doctor from Capital University School of Law where he graduated cum laude and was a member of the Order of the Curia. In 2002, Mr. Fegen received his Master of Laws (LL.M.) in Taxation from the Case Western Reserve University School of Law. Prior to joining CLPWG, Mr. Fegen practiced law in both Ohio and Colorado with an emphasis on the representation of businesses and corporations. Mr. Fegen is admitted to practice law before all of the courts in the States of Ohio and Colorado (inactive). In addition, he is admitted to practice in the United States District Court in the Northern District of Ohio and the District of Colorado. Active in the legal field, Mr. Fegen is a member of the Ohio State and Cleveland Bar Associations.

Lisa Ann Gorshe: (612) 852-3046
lagors@climacolaw.com

Lisa Anne Gorshe is a member of the Litigation Section specializing in the areas of Class Actions and Mass Torts. Ms. Gorshe graduated from Augsburg College (Minneapolis, MN) with a Bachelor of Arts degree in 1991 and from St. Thomas University School of Law (Miami, FL) with a Juris Doctor in 1997. She was admitted to the Bar of the State of Florida in 1997 and the State of Minnesota in 1999.

Both prior to her employment at the Firm and during her tenure at CLPW&G, Ms. Gorshe has been involved in various class action and multi-district litigation matters. She is a member of the Florida, Minnesota and Hennepin County Bar Associations. She also serves on the Human Rights Commission for the City of Richfield, Minnesota.

P. Wesley Lambert: Cleveland Office (216) 522-0472
pwlamb@climacolaw.com

Wes Lambert joined the Firm in 2003 as an associate in the Firm's Litigation Group. He received his Bachelor of Science degree in Business Administration with a concentration in finance from The Ohio State University in 2000. Mr. Lambert received his law degree from Case Western Reserve University where he was a Contributing Editor of the Law Review, and graduated magna cum laude in 2003. While at Case Western, Mr. Lambert published an article in the Law Review entitled, "Worlds are Colliding: A Critique of the Need for the Additional Criminal Securities Fraud Section in Sarbanes-Oxley," 53 Case W. Res. Law Rev. 839 (Spring, 2003).

Mr. Lambert is currently a member of the Ohio, Cleveland and Cuyahoga County Bar Associations. He is admitted to practice in the State of Ohio with an application pending to practice before the United States District Court for the Northern District of Ohio.

Terri A. Lightner: Cleveland Office (216) 621-8484
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Terri A. Lightner is a member of the firm's Litigation Department. She received her Bachelor of Science in Nursing, from Ursuline College and completed her law degree at Cleveland-Marshall College of Law in 2004. Ms. Lightner is a member of the Ohio State Bar Association and the Cleveland Bar Association.

Prior to her employment at the Firm, Ms. Lightner practiced as a registered nurse in hospital settings, including the Cleveland Clinic. Her nursing practice allowed her to gain experience in cardiac, operating room, and emergency nursing procedures. Ms. Lightner's education and experience with medications provides her with the scientific understanding of pharmaceutical drug therapy.

Ms. Lightner served as an Officer in the US Army Reserves as nurse with the 350th evacuation hospital. She was deployed to Saudi Arabia in 1991 for Desert Storm where, as a First Lieutenant, she was responsible for the establishment, planning, and disestablishment of a 400 bed field hospital.

Since joining the Firm, Ms. Lightner has focused on the area of Mass Torts, Products Liability, Pharmaceutical Litigation and Personal Injury, including Toxic Tort.

Margaret M. Metzinger: Cleveland Office (216) 522-0740
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Ms. Metzinger is a member of the Corporate, Transactional and Business Law Section, concentrating in the areas of General Litigation, Family Law and Probate/Estate Planning. She received her Bachelor of Arts degree from Hiram College in 1987, and her Juris Doctor from Cleveland-Marshall College of Law in 1995. Ms. Metzinger recently published an article in The Woman Advocate Newsletter, a national publication of the American Bar Association. She is a member of the Ohio State Bar Association and the Cleveland Bar Association.

John C. Orlando: Cleveland Office (216) 621-8484
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John Orlando joined the Firm in 2003 as a law clerk and, upon graduation from law school in 2005, he was hired as an associate in the Firm's Litigation and Corporate Departments. He received his Bachelor of Science Degree in Family Financial Planning from The Ohio State University in 2001. Mr. Orlando received his law degree from the Cleveland-Marshall College of Law in 2005.

Mr. Orlando is currently a member of the Ohio, Cuyahoga County, American, and National Italian-American Bar Associations. He is admitted to practice in the State of Ohio as well as the United States District Court for the Northern District of Ohio.

Scott D. Simpkins: Cleveland Office (216) 522-0489
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Scott Simpkins joined the Climaco firm's Cleveland office in 1999 as an associate in the Firm's Litigation Group. He received his Bachelor of Arts degree in economics and political science from Ohio Wesleyan University in 1992 and his law degree from Capital University where he was a member of the Order of the Curia, Associate Editor of the Law Review and graduated cum laude in 1996.

Simpkins has been involved in myriad litigation matters including contract dispute, labor and employment, sales taxation, municipal law, legal malpractice, zoning and land use, ERISA and creditor claims in bankruptcy. His practice in these areas have ranged from client consultation, initial intake and evaluation of claims and defenses to prosecuting the claims and defenses at trial to appellate practice including representation before the Ohio Supreme Court. Simpkins has also represented numerous clients before various federal, state and municipal administrative agencies and legislative bodies including without limitation, the National Association of Securities Dealers and the State of Ohio Department of Taxation.

Both prior to his employment at the Climaco firm and during his tenure at Climaco, Simpkins has also been involved in prosecuting and defending various class action and multi-district litigation matters. These matters have included unpaid overtime compensation litigation, tobacco litigation, securities litigation and anti-trust litigation.

Simpkins is currently a member of the American and Ohio Bar Associations, the Federalist Society and serves as an Assistant Arbitrator for the Cuyahoga County Court of Common Pleas. He is admitted to practice in the State of Ohio and before the United States District Court for the Northern District of Ohio.

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Jennifer L. Stueber joined the Business and Transactional Law group as an associate attorney. She specializes in real estate, financings and business transactions. She has represented banks and borrowers of large commercial loans, and has advised companies in joint ventures and shareholder agreements. A graduate of The Ohio State University and Cleveland-Marshall College of Law, she previously practiced law with Cowden, Humphrey and Sarlson Co., LPA, focusing on real estate, banking, corporate and securities law in connection with the representation of both private and publicly held companies. She is admitted to practice in the State of Ohio and before the United States District Court for the Northern District of Ohio. She is a member of the American, Ohio and Cleveland Bar Associations. She is also an active member of Commercial Real Estate Women – Cleveland (CREW-Cleveland).

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KGS Kahn Gauthier Swick LLC

Kahn Gauthier Swick, LLC (“KGS”) is a Louisiana law firm with offices in New Orleans and New York (www.kglg.com). KGS focuses predominantly on class action litigation, and practices mainly in the fields of securities fraud, consumer fraud, mass tort litigation and securities transaction. Since its inception KGS has recovered tens of millions of dollars for the plaintiffs it represents. KGS was formed in 2000, as a partnership between established class action attorneys led by Wendell Gauthier. Mr. Gauthier was an esteemed member of the Louisiana Bar prior to his passing in December, 2001 at the age of 58. Mr. Gauthier was best known as Chairman of the Castano Tobacco Litigation Group, a coalition of national plaintiff firms that was the catalyst for the nationwide tobacco settlements of \$206 billion.

KGS is uniquely positioned to represent plaintiffs in complex class action litigation. Lewis Kahn serves as the managing partner of KGS. Along with the representation of thousands of plaintiffs in class action and mass tort cases filed throughout the United States, Mr. Kahn has been appointed to various leadership positions in federal class action litigation. Among other prestigious appointments, Mr. Kahn served as a member of the Plaintiffs’ Steering Committee in MDL 1481, *In Re: Meridia Products Liability Litigation*, appointed by Judge James S. Gwin in the United States District Court for the Northern District of Ohio, Eastern District. Mr. Kahn was also appointed Liaison Counsel in the national securities fraud litigation against Merck, Inc. for its failure to disclose the safety profile of Vioxx to its shareholders, *In Re Merck*,

Inc., Securities Litigation, Case No. 03-3125 (E.D. La) by Judge Kurt Englehart. This case was transferred to Judge Stanley Chesler and is currently part of MDL 1658, *In Re Merk & Co., Inc. Securities, Derivative and "ERISA" Litigation*.

Moreover, Mr. Kahn also served as one of five plaintiffs' counsel that secured a \$20.5 million securities fraud settlement in *Lasky v. Brown, et al.* (United Companies Securities Litigation), Case No. 99-1035-D-M2 (M.D. La.). Mr. Kahn has also been appointed and served as Liaison Counsel in the following federal securities fraud cases:

1. *In Re Stewart Enterprises, Inc., Securities Litigation*, Case No. 99-2572 (E.D. La.);
2. *In Re McDermott, Inc. Securities Litigation*, Case No. 99-3831 (E.D. La.);
3. *In Re Orthodontic Care Associates, Securities Litigation*, Case No. 03-1027 (E.D. La).

Mr. Kahn is often turned to by the media for expert commentary in the field of class action litigation. Mr. Kahn has been profiled in the *New York Times*, *Washington Post*, *Boston Globe*, and many other media outlets, and has provided expert commentary on CNNfn surrounding the Enron securities fraud class action litigation. Mr. Kahn holds a Bachelor's degree from New York University and received a Juris Doctor from Tulane Law School in 1994. He is a member in good standing of the Louisiana State Bar Association since 1995, the American Association of Trial Lawyers, and the Federal Bars for the Eastern, Middle and Western Districts of Louisiana.

Michael Swick heads KGS's Securities Litigation Group. Prior to joining KGS, Mr. Swick worked at several of the nation's leading securities class action law firms,

including: both the East Coast and West Coast offices of Milberg Weiss Bershad Hynes & Lerach, LLP (now Lerach Coughlin Stoia Rudman Gellar & Robbins, LLP - CA, and Milberg Weiss Bershad & Schulman LLP - NYC), and the Connecticut firm of Scott + Scott, LLP.

Over the past decade of securities class action litigation, Mr. Swick has been instrumental in instituting litigation that has produced hundreds of millions of dollars of recoveries. Such actions include:

\$140 Million Recovery. *In re Sunbeam Securities Litigation*; No. 98-8258 (S.D. Fla). Michael Swick drafted one of the first filed actions against Sunbeam, where plaintiffs alleged that Sunbeam, its auditor, and its management engaged in a massive accounting fraud, culminating in the restatement of over three years of previously reported financial results. The Court approved a combined settlement of over \$140 million - - including \$110 million paid by Arthur Andersen, LLP, then Sunbeam's auditor. In connection with this settlement, Albert Dunlap, Sunbeam's former Chairman and CEO, personally contributed \$15 million.

\$134 Million Recovery. *In re Computer Associates Securities Litigation*, Nos. 98-CV-4839, 02-CV-1226 (TCP) (E.D.N.Y.), Michael Swick drafted and participated in the filing of one of the earliest and most comprehensive actions. This filing later resulted in a pretrial settlement of securities fraud charges valued at over \$134 million.

\$300 Million Recovery. *In re Oxford Health Plans, Inc. Securities Litigation*, MDL Dkt. No. 1222 (CLB) (S.D.N.Y.). Cash settlements totaling \$300 million were recovered for plaintiffs after it was determined that Oxford Health Plans, Inc. issued fraudulent financial statements that misstated premium revenues and claims expense. Oxford's outside auditor, KPMG, was also named as a defendant in that action.

\$600 Million Recovery. *In re Lucent Technologies, Inc. Securities Litigation*, No. 00cv621 (AJL) (D.N.J.). This settlement provided \$600 million in compensation to aggrieved shareholders who purchased Lucent stock between Oct. 1999 and Dec. 2000.

Mr. Swick received a Juris Doctor from Tulane Law School in 1994. Further, Mr. Swick received a Masters of Political Philosophy from Columbia University in 1989 and

a B.A. in Philosophy and Political Science from State University of New York at Albany in 1988. Mr. Swick was admitted to the state Bar of New York in 1996.

Kim Miller is a partner of KGS specializing in securities, consumer and commercial class and derivative litigation. Prior to joining KGS, Ms. Miller was a partner at the New York office of Milberg Weiss Bershad & Schulman LLP. While she spent most of her legal career at Milberg Weiss and its predecessor firm, Milberg Weiss Bershad Hynes and Lerach LLP, Ms. Miller also spent two years as an associate with a focus on securities litigation defense at Gray Cary Ware & Friedenrich LLP in Palo Alto, California.

Over the course of her career, Ms. Miller has represented tens of thousands of wronged investors and consumers in class actions filed throughout the country. As a partner at Milberg Weiss, she acted as one of the lead or co-lead counsel in more than twenty-five cases involving allegations of improper directed brokerage arrangements and excessive charges in mutual fund cases brought pursuant to the 1934 Securities Exchange Act and/or the Investment Company Act of 1940. Ms. Miller was also one of the Milberg partners involved in the mutual funds late trading/market timing litigation, in which Milberg Weiss acted as Co-Chair of plaintiffs' steering committee overseeing all class and derivative litigation involving more than 18 mutual fund families.

During her tenure at Milberg Weiss, Ms. Miller was involved in a variety of cases in which large settlements were reached, including *In re StarLink Corn Products Liability Litigation*, MDL No. 1403 (N.D. Ill) (\$110M recovery). Ms. Miller was also a member of the successful trial team that obtained a federal jury verdict in favor of plaintiffs in a

case involving the aiding and abetting of a mortgage company's fraudulent lending practices. *Austin v. Lehman Commercial Paper, Inc.*, SA, CV 01-111 (DOC)(C.D. Cal) (appeal pending).

Ms. Miller graduated with honors from Stanford University in 1992 with a double major in English and Psychology. She earned her J.D. degree from Cornell Law School, *cum laude*, in 1995. While at Cornell, Ms. Miller acted as co-chair of the Women's Law Symposium, as Bench Brief Editor of the Cornell Moot Court Board, and as a member of the Board of Editors of the *Cornell Journal of Law & Public Policy*. She is admitted to practice in the States of California and New York and before the United States District Courts for the Southern and Eastern Districts of New York and the Northern, Southern, and Central Districts of California. Her *pro bono* work includes representing families of 9/11 victims at *In re September 11 Victim Compensation Fund* hearings. Ms. Miller has also acted as a fund raiser for the New York Legal Aid Society.

Kevin Oufnac joined Kahn Gauthier Swick, LLC in 2006. Prior to becoming a partner in KGS, Mr. Oufnac spent many years litigating cases throughout the United States with several of the nation's most recognized law firms, including Ness, Motley, Loadholt, Richardson, & Poole, PA, Richardson, Patrick, Westbrook & Brickman, LLC, and Motley Rice, LLC. In addition to individual cases, some of the class actions and other complex litigation in which Mr. Oufnac has participated includes *Ruff v. Parex, Inc.*, No. 96-0059 (Superior Court, County of New Hanover, N.C.), *In Re: Masonite Corp. Hardboard Siding Products Liability Litigation*, MDL 1098 (E.D. La.), *In Re: Silicon Gel Breast Implant Products Liability Litigation*, MDL 926 (N.D. Ala.), *In Re: Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.), *In Re: Diet*

Drug Products Liability Litigation, MDL 1203 (E.D. Pa.), *In Re: Rezulin Products Liability Litigation*, MDL 1348 (S.D.N.Y.), *In Re: Community Bank of Northern Virginia and Guaranty National Bank of Tallahassee Second Mortgage Loan Litigation*, No. 03-0425 (W.D. Pa.) (which resulted in a settlement of \$33 million to the class members), and *Dundon v. U.S. Bank*, No. 01-408 (S.D. Ill.), (which resulted in a settlement of \$26 million to the class members).

Mr. Oufnac received his Juris Doctorate in 1995 from the Loyola University School of Law. He is a member of the Louisiana State Bar Association, the South Carolina State Bar Association, and the Association of Trial Lawyers of America. Mr. Oufnac has also been admitted to the United States Court of Appeals for the Fourth Circuit, and the United States District Courts for the Eastern District of Michigan, the Eastern District of Louisiana, and the District of South Carolina.

In addition to its partners, KGS employs three associate lawyers, along with multiple paralegals and investigators, providing the firm the resources necessary to litigate complex litigation. Moreover, KGS' foremost characteristic has been the ability to work cooperatively with the Court and with other attorneys as evidenced by its successful track record.

PRACTICE AND HISTORY

Schubert & Reed LLP is AV rated by the Martindale-Hubbell Law Directory. Together with its predecessor firms, the Law Offices of Robert C. Schubert and the Law Offices of Juden Justice Reed, it has been in operation for over twenty years. In addition to prosecuting cases in the California federal and state courts, the firm has been actively involved in multi-district securities and other class actions throughout the United States. Schubert & Reed has been Lead Counsel or Co-Lead Counsel in class actions and shareholder derivative cases which have produced monetary recoveries of over \$215 million. These have included the following:

Tucker v. Scrushy, et al., No. CV-02-5212 (Alabama Circuit Court, Jefferson County). Co-Lead Counsel in shareholder derivative action on behalf of HealthSouth Corporation alleging officer and director breaches of fiduciary duty and insider trading arising from a multi-billion dollar restatement of previously reported financial results. Partial summary judgment for unjust enrichment granted against former CEO Richard Scrushy for restitution to HealthSouth of \$47.8 million bonuses with interest paid to Scrushy during fiscal years 1997-2002 pursuant to a stated policy requiring that bonuses be paid from net profits. In fact, following restatement, it was revealed that the Company had never had net profits from which to pay Scrushy bonuses during the fiscal years 1997-2002. Co-Counsel in a related case, **In re HealthSouth Corp. Shareholders Litigation.**, 845 A.2d 1096 (Del. Ch. 2003), aff'd 847 A.2d 1121 (Del.Supr. 2004), in which the Delaware Chancery Court granted summary judgment for unjust enrichment and equitable fraud against Richard Scrushy arising from his purported repayment with HealthSouth stock of a \$25 million loan that Scrushy was obligated to pay in cash. The judgment resulted in an immediate \$17.5 million recovery to HealthSouth. Collectively, we obtained in excess of \$65 million in judgments against Scrushy for the benefit of HealthSouth and its shareholders.

Bonneville Pacific Corporation Securities Litigation, No. 92-C-181-S (District of Utah). Co-Lead Counsel in securities class action involving fraudulent financial statements by a large power cogeneration company. We obtained settlements totaling \$26 million for the class, which recovered 100% of its damages, in one of the largest securities fraud cases in Utah history. We also obtained a decision from the Utah Supreme Court holding that plaintiffs need not plead or prove reliance to proceed under the Utah Uniform Securities Act. **Gohler v. Wood**, 919 P. 2d 561 (Utah 1996).

Qwest Communications International, Inc. Derivative Litigation, No. 02-CV-8188 (Colorado District Court, City and County of Denver). Co-Lead Counsel in shareholder derivative action alleging officer and director breaches of fiduciary duty and insider trading arising out of massive earnings restatement by telecommunications company. Defendants attempted to derail the case, seeking a stay based upon previously filed but inactive Federal derivative action. We defeated the motion, reviewed and analyzed over 7 million pages of documents, and recovered \$25 million for the company. The settlement included important corporate governance changes, including the requirement of a lead independent director when the chairman of the board is also the chief executive officer.

Kirschenbaum v. Electronic Arts, Inc., Case No. CIV 440876 (California Superior Court, San Mateo County). Co-Lead Counsel in class action seeking to recover unpaid overtime compensation for computer graphics artists employed in California by Electronic Arts Inc. (“EA”), the world’s largest manufacturer of computer video games. The case was settled after the parties conducted formal and informal discovery, and we reviewed thousands of pages of company records. The settlement totaled \$15.6 million, for approximately 618 class members. We believe this is the first class action involving recovery of overtime compensation for computer graphics artists in the electronic game industry.

Raider v. Sunderland, Civil Action No. 19357 NC (Delaware Chancery Court). Co-Lead Counsel in shareholder class action alleging breach of fiduciary duty by controlling shareholders of large cement company in connection with its acquisition of related company owned by controlling shareholders. We recovered \$15 million (\$8 per share) for minority shareholders after obtaining class certification, reviewing approximately 30,000 documents, deposing numerous fact and expert witnesses, and preparing the case for trial. The recovery exceeded 50% of the damage calculation of plaintiff’s valuation expert.

ADAC Laboratories Derivative Litigation, No. CV 779262 (California Superior Court, Santa Clara County). Co-Lead Counsel in shareholder derivative action alleging officer and director breaches of fiduciary duty and insider trading arising from false financial statements issued by a scientific instruments manufacturer. These financial statements were restated after “side letters” and other improper revenue recognition practices were uncovered. Defendants sought a stay based upon federal securities class actions arising from the same facts. We defeated that motion, obtained thousands of documents well ahead of the federal actions, and recovered \$12 million for the company, representing the bulk of its insurance coverage.

In Re Savings Investment Service Corporation Loan Commitment Litigation, MDL 718 (Western District of Oklahoma). Co-Lead Counsel in securities class action arising from default of \$9.85 million issue of industrial revenue bonds issued to finance a hotel in Westminster, Colorado. After extensive discovery and motion practice we obtained a recovery of approximately \$8.0 million for the class.

Emulex Shareholder Derivative Cases, Judicial Coordination Proceeding No. 4194 (California Superior Court, Orange County). Co-Lead Counsel in shareholder derivative actions alleging officer and director breaches of fiduciary and insider trading arising from order delays for optical networking hardware. Although the case was initially stayed, we succeeded in lifting the stay and obtaining over 100,000 pages of company documents, eventually obtaining an \$8 million settlement for the company.

Garbini v. Protection One, Inc., Civil Action No. 99-3755 (Central District of California). Lead Counsel in securities class action arising from three successive restatements of three years’ audited and publicly reported financial results by America’s second-largest home security monitoring company. Plaintiffs asserted claims under

Section 11 of the Securities Act of 1933 and Section 10 of the Securities Exchange Act of 1934, alleging use of an excessively long period to amortize the cost of acquired customer accounts. We obtained a settlement of \$7.76 million for the class. In a related appeal, we successfully challenged the dismissal of the company's auditors, Arthur Andersen. The ruling clarified plaintiffs' obligations to allege damages under the Securities Act of 1933. **Garbini v. Protection One, Inc.**, [Current Binder] Fed. Sec. L. Rep.(CCH) ¶92,018 (9th Cir. October 11, 2002).

In Re Providian Financial Corporation Derivative Litigation, Case No. 401954 (California Superior Court, City and County of San Francisco). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty and insider trading by officers and directors of a large sub-prime credit card lender. Case arose from company's undisclosed change of accounting for customer bankruptcies and alleged failure to maintain adequate reserves for uncollectible accounts. After extensive document discovery we obtained a settlement of \$6.5 million for the company.

In Re Structural Dynamics Research Corporation Derivative Litigation, Case No. C-1-94-650 (Southern District of Ohio). Co-Lead Counsel in shareholder derivative action arising from earnings restatement resulting from accounting fraud in the Far East operations of NASDAQ-listed computer software company. After extensive discovery, we obtained a settlement of \$5.0 million for the company. (SDRC)

In Re S3 Derivative Litigation, No. CV-77-0254 (California Superior Court, Santa Clara County). Co-lead counsel in shareholder derivative litigation involving S3, now known as SonicBLUE Corporation, which was a leading manufacturer of graphics accelerator chips. Case arose from earnings restatements and alleged insider trading resulting from improper recognition of revenue on sales in Far East. After discovery, we obtained a cash settlement of \$4.65 million for the company, which represented the bulk of insider trading damages. (SBLU)

In Re VISX Securities Litigation. Master File No. C94-2-649-RPA (Northern District of California). Co-Lead Counsel in securities class action arising from misrepresentations as to status of clinical trials by a NASDAQ-listed laser vision correction company. We obtained a settlement of \$4.0 million for the class. (VISX)

Isaac v. Falcon Classic Cable Income Properties, L.P., et al., No. BC-177205 (California Superior Court, Los Angeles County). Lead Counsel in class action arising from general partner's purchase of the assets of a cable television limited partnership at allegedly inadequate price. We obtained a recovery of \$2.8 million for the limited partners.

Bilunka v. Sanders, [1994-95 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶98,314 (N.D. Cal. 1994). Co-lead counsel in shareholder derivative action arising from misrepresentations by officers and directors of Advanced Micro Devices, a leading microchip manufacturer, regarding a purportedly "clean" clone of a microchip developed by Intel Corporation. The opinion by Judge Ware of the Northern District of California

established two key principles for California derivative cases: (1) California's insider trading statute, Corporations Code §25502.5, applies to California based corporations incorporated in Delaware, and (2) where the board of directors is evenly divided between interested and disinterested members, a shareholder demand upon the board is futile and therefore excused. We ultimately obtained a recovery of \$2.25 million for the company.

In re IDB Communications Group, Inc. Securities Litigation, Master File No. CV-94-3618-RG (JGX) (Central District of California). Co-Lead Counsel in shareholder derivative action arising from misleading financial statements issued by NASDAQ-listed telecommunications company. We obtained a settlement of \$2.0 million for the company.

In re Atchison Casting Corporation Securities Litigation, Master File No. 01-2013-JWL (District of Kansas). Lead Counsel in a securities class action arising from the restatement of four years' of audited financial results by this Kansas-headquartered operator of 20 ferrous casting facilities, following revelation of accounting improprieties at the company's Pennsylvania Foundry Group. We obtained a settlement of \$1.8 million for the class.

In Re Bexar County Health Facilities Development Corporation Securities Litigation, MDL 768 (Eastern District of Pennsylvania). Co-Lead Counsel in securities class action arising from default of industrial revenue bonds issued to finance a retirement facility in San Antonio, Texas. We obtained a settlement of \$1.5 million for the class.

Eleanor Gorsey, et al. v. I.M. Simon & Co., Inc., et al., 121 F.R.D.135 (D. Mass 1988). Co-Lead Counsel in securities class action litigation arising from default of industrial revenue bonds issued to finance a retirement facility in South Bend, Indiana. We obtained a settlement of \$1.2 million for the class.

Sheehan v. Little Switzerland, 136 F. Supp. 2d 301 (D. Del 2001). Lead counsel in securities class action arising from failed merger between Little Switzerland, Inc., a duty-free retailer, and Destination Retail Holdings Corporation, a Bahamian retailer. The court upheld plaintiff's claim that the company's disclosures regarding the financing for the merger were false and misleading, and that plaintiff's allegations of wrongful intent satisfied the strict pleading standards of the Private Securities Litigation Reform Act of 1995. We obtained a recovery of \$1.05 million for the class, representing approximately 75% of estimated damages. (LSVI)

Veterinary Centers of America Securities Litigation, Case No. BC 178 615 (California Superior Court, Los Angeles County). Lead Counsel in shareholder derivative action arising from misrepresentations and insider trading by officers and directors of publicly traded chain of veterinary hospitals. We obtained a recovery of \$1.0 million for the company. (VCAI)

Cirrus Logic Securities Litigation, Master File No. C-95-3978-EAI (Northern District of California). Lead Counsel in shareholder derivative action resulting from overstated

financial statements and other violations of generally accepted accounting principles by large manufacturer of multimedia products. We obtained a settlement of \$1.0 million for the company. (CRUS)

Schubert & Reed LLP has also participated as counsel in class action or derivative cases involving the following companies:

3M Corporation (MMM)	Chalone Wine Group Ltd.
aaIPharma Inc. (AAII)	Charles Allmon Trust
ABM Industries Incorporated (ABM)	Chiron Corporation
Abbott Laboratories, Inc. (ABT)	Cisco Systems, Inc. (CSCO)
Activision, Inc. (ATVI)	Citizen Utilities Company (CZN)
Adaptec, Inc. (ADPT)	CNF, Inc. (CNF)
Adobe Systems Incorporated (ADBE)	Complete Management, Inc. (CPMI)
Adelphia Communications Corporation (ADLA)	CompuMed, Inc. (CMPD)
Advanced Micro-Circuits Corporation (AMCC)	Coram Healthcare Corporation (CRH)
Advanced Micro Devices (AMD)	Corpro Cos. Inc. (CO)
Alcatel Alsthom (ALA)	Creative Technology Ltd. (CREAF)
Amazon.com, Inc. (AMZN)	Critical Path, Inc. (CPTH)
America First Financial (AFFZ)	Cyberguard Corporation (CYBG)
America Online, Inc. (AOL)	Cylink Corporation (CYLK)
American Bank Note Holographics, Inc. (ABH)	Del Global Technologies Corporation (DGTC)
American Express Company (AXP)	Digital Equipment Corp. (DEC pa)
American Income Life Insurance Company	Digital Lightwave, Inc. (DIGL)
Archer-Daniels-Midland Company (ADM)	Ditech Communications Corp. (DITC)
Ariba, Inc. (ARBA)	DoubleClick, Inc. (DCLK)
Ash Grove Cement Company (ASHG.PK)	eBay, Inc. (EBAY)
Aspec Technology, Inc. (ASPC)	Electronic Arts, Inc. (ERTS)
Assisted Living Concepts, Inc. (ALF)	Employee Solutions, Inc. (ESOL)
Atchison Casting Corp. (FDY)	Emulex Corporation (EMLX)
Aurora Foods, Inc. (AOR)	Enron Corporation
Bay Area Cellular Telephone Co. (BACTC)	Fen-Phen Diet Pill Litigation
Blockbuster Video (BBI)	Fine Host Corp. (FINE)
Borders Group, Inc.	First Merchants Acceptance Corp. (FMAC)
Boston Scientific Corporation (BSX)	First Virtual Communications, Inc. (FVC)
Bre-X Corporation (BXMN)	Flat Glass Antitrust Litigation
Broadcom Corporation (BRCM)	FLIR Systems Inc. (FLIR)
Brocade Communications Systems, Inc. (BRCD)	Ford Motor Company (F)
California Amplifier, Inc. (CAMP)	Formula One Administration, Ltd.
Callidus Software Inc. (CALD)	FPA Medical Management, Inc. (FPAM)
Candies, Inc. (CAND)	Frederick's of Hollywood
Caremark, Inc. (CMX)	Fujitsu Computer Products of America
Caremark International Inc.	FVC.COM, Inc. (FVCC)
Caribbean Cigar Co. (CIGRD, CIGRW)	Gateway, Inc. (GTW)
Centennial Technologies, Inc. (CENL)	Gencor Industries, Inc. (GCRX)
	Genzyme Corporation (GENZ)

Greyhound Lines, Inc. (BUS)
Guidant Corporation (GDT)
H&R Block, Inc. (HRB)
Hanover Compressor Company (HC)
HealthSouth Corporation (HLSH)
Herbalife International, Inc. (HERBA)
Hewlett-Packard Corporation (HPQ)
The Home Depot, Inc. (HD)
Honda Motor Company (HMC)
HPL Technologies, Inc. (HPLA)
Indianapolis Motor Speedway Corp.
Impac Mortgage Holdings, Inc. (IMH)
Informix Corporation (IFMX)
Inso Corporation (INSO)
Intel Corporation (INTC)
Intershop Communications AG (ISHP)
Interspeed, Inc. (ISPD)
JDS Uniphase Corporation (JDSU)
JWP, Inc.
Ketema
Kidder Peabody & Co.
Kinder Morgan
Knoll, Inc.(KNL)
Koger Properties
Legato Systems, Inc. (LGTO)
Lernout & Hauspie Speech Products, N.V.
(LHSP)
Littlefield, Adams & Company (FUNW)
Logitech, Inc.
Louisiana-Pacific Corporation (LPX)
Macromedia, Inc. (MACR)
Marsh & McLennan Companies, Inc. (MMC)
Martha Stewart Living Omnimedia, Inc. (MSO)
Maxxam, Inc. (MXM)
McKesson HBOC, Inc. (HBOC)
Medaphis Corporation (MEDA)
Media Vision
Med/Waste, Inc. (MWDSE)
Mercury Finance Company (MFNNQ)
Mercury Interactive Corporation (MERQ)
Micron Technology, Inc. (MU)
Mirant Corporation (MIR)
Mitek Systems, Inc. (MITK)
Molina Healthcare, Inc. (MOH)
Motorcar Parts & Accessories, Inc. (MPAA)
NetManage, Inc. (NETM)

Netopia, Inc. (NTPA)
Network Computing Devices, Inc. (NCDI)
Network Solutions, Inc. (NSOL)
New Century Financial Corporation (NCEN)
Networks Associates, Inc. (NETA)
Network Solutions, Inc.
North Face Inc. (TNFI)
Novartis AG (NVS)
OCA, Inc. (OCA)
Orbital Sciences Corporation (ORB)
Pacific Gateway Enterprises
Pacific Telephone Company
Palm, Inc. (PSRC)
PalmOne, Inc. (PLMO)
PennCorp Financial Group, Inc. (PFG)
PeopleSoft, Inc. (PSFT)
Peregrine Systems, Inc. (PRGN)
PerkinElmer, Inc. (PKI)
Philip Services Corporation
Phycor, Inc. (PHYC)
Presstek Inc. (PRST)
Protection One, Inc. (US:POIX)
Providian Financial Corporation (PVN)
Quaker State Corporation (KSF)
Qwest Communications International Inc. (Q)
Quantum Corporation (DSS)
Quintus Corporation (QNTS)
Quovadx, Inc. (QVDX)
Rambus, Inc. (RMBS)
Riverstone Networks, Inc. (RSTN)
Roberds, Inc. (RBDS)
Saf T Lok, Inc. (LOCK)
Safeskin Corporation (SFSK)
Safety-Kleen Corporation (SKLN)
Salomon Bros.
Schlotzsky's Inc. (BUNZ)
Seagate Technology Inc. (SEG)
Secure Computing Corporation (SCUR)
Shiva Corporation (SHVA)
Silicon Graphics, Inc. (SGI)
Silicon Image, Inc. (SIMG)
Silicon Storage Technology, Inc. (SSTI)
Sipex Corporation (SIPX)
Sirena Apparel Group, Inc. (SIRN)
SmarTalk Teleservice, Inc. (SMTK)
Sonus Networks, Inc. (SONS)
Sony Computer Entertainment America, Inc.

Spanlink Communications, Inc. (SPLK)
Spectrum Information Technologies, Inc. (SITI)
Sprint Spectrum L.P. (FON)
Star Gas Partners, L.P. (SGU)
Sumitomo Metal Industries, Ltd. (SMMLY)
Summit Technology, Inc. (SMCT)
SupportSoft, Inc. (SPRT)
Sybase, Inc. (SYBS)
Synchronys Softcorp (SYCR)
T2
Telebit Corporation
Telxon Corporation (TLXN)
Tenera, Inc. (TNR)
Terayon Communication Systems, Inc. (TERN)

Tibco Software, Inc. (TIBX)
Toys R Us, Inc. (TOY)
Tut Systems, Inc. (TUTS)
TwinLab Corporation (TWLB)
Unify Corporation (UNFY)
U.S. Trust Corporation
U.S. West, Inc. (USW)
U.S. Wireless Corporation
Ventro Corporation
Verisign, Inc. (VRSN)
Versata, Inc. (VATA)
Websecure, Inc. (WEBS)
Worldcom, Inc. (WCOEQ)
Xicor, Inc.

ATTORNEYS

ROBERT C. SCHUBERT received a B.S. degree from the New York State School of Industrial and Labor Relations at Cornell University in 1966, where he graduated first in his class. He received his J.D. cum laude from Harvard Law School in 1969, after which he taught law, first at the Columbia University School of Law (1969-1970), and then at Golden Gate University School of Law (Assistant Professor, 1970-1975). Since that time he has been actively engaged in the practice of law, at both the trial and appellate levels. He specializes in complex litigation, particularly securities and antitrust class actions and shareholder derivative suits. He is a member of the State and Federal bars of California (since 1974), Massachusetts (since 1972) and New York (since 1970). In addition he has been admitted pro hac vice in the following courts, among others: United States District Courts for the Eastern District of Pennsylvania, the Middle District of Florida, the Northern District of Georgia, the Southern District of Ohio, the Western District of Oklahoma, the Western and Northern Districts of Texas, the Northern and Central Districts of Illinois, the Districts of Colorado, Oregon, Delaware, Utah, Montana, Arizona and New Hampshire, the Superior Courts of Alabama, Alaska, Colorado and Illinois, and the Delaware Court of Chancery. He has participated in discovery proceedings throughout the United States and the United Kingdom. He is also an arbitrator, and since 1971 has arbitrated numerous disputes under the auspices of the Federal Mediation and Conciliation Service. He is the author of several published articles.

JUDEN JUSTICE REED obtained his A.B. degree from Columbia University in 1983. He was awarded his J.D. degree by Fordham University School of Law in New York, and served as Editor-in-Chief of the Fordham International Law Journal. Mr. Reed was admitted to the practice of law in Connecticut in 1986, in New York in 1989 and in California in 1991. He specializes in both complex litigation and in corporate law, including corporate finance, securities regulation and mergers and acquisitions. Mr. Reed has devoted extensive time to corporate governance litigation in recent years, including the negotiated adoption of comprehensive corporate governance reforms in resolution of shareholder derivative actions, both preceding and following the enactment of the Sarbanes-Oxley Act of 2002. Mr. Reed has been admitted pro hac vice in numerous federal and state courts, and has participated in the prosecution and defense of cases throughout the United States and before the U.S. - Iran Claims Tribunal at The Hague, Netherlands. Previously, Mr. Reed was associated with Wall Street's Carter, Ledyard & Milburn, where he was actively involved in corporate finance, mergers and acquisitions and represented both issuers and underwriters in the public sale of securities. Mr. Reed is presently an advisor to the Institute for Law and Economic Policy.

WILLEM F. JONCKHEER received his B.A. degree from Colgate University in 1990. He was awarded his J.D. degree in 1995 from the University of San Francisco School of Law. He has been a law intern with the Pacific Stock Exchange and the U.S. Securities & Exchange Commission. Mr. Jonckheer was admitted to the State Bar of California in 1995.

AARON H. DASKY received his B.A. from Michigan State University College of Business in 1990. He was awarded his J.D. degree in 1998 from the Golden Gate University School of Law, with a Certificate of Specialization in Litigation. He has been a law intern with the Santa Clara County Office of the Public Defender and a teaching assistant in the Litigation Program at Golden Gate University School of Law for Professor Bernard Segal. Mr. Darsky was admitted to the State Bar of California in 2001 and is also admitted to practice in the United States District Courts for the Northern, Central and Southern Districts of California and the United States Court of Appeals for the Ninth Circuit.

MIRANDA P. KOLBE received her B.A. from Hamilton College in 1984. She was awarded her J.D. degree in 1999 from the University of California at Berkeley, Boalt Hall. She served as a full-time legal researcher in the Civil Division of the San Francisco Superior Court during 2000-2001. Ms. Kolbe was admitted to the State Bar of California in 2001.

PETER E. BORKON received his B.A. degree from DePauw University in 1992 and his J.D. from Southern Illinois University at Carbondale in 1996. Since that time, he has actively engaged in the practice of law at the trial and appellate levels. Mr. Borkon clerked for the Chief Judge of the Southern District of Illinois as well as for the Ninth Circuit Court of Appeals. His practice is focused on complex civil litigation, particularly securities and antitrust class actions and shareholder derivative suits. Mr. Borkon was admitted to the Illinois bar in 1996 and the California bar in 2001. He is also admitted to practice before all federal courts in the States of California and Illinois as well as the Supreme Court of the United States and the Eastern and Western Districts of Wisconsin and the District of Colorado. Mr. Borkon is the author or co-author of several published articles including: Potential Impacts of the Class Action Fairness Act of 2004, Journal of the Antitrust and Unfair Competition Law Section of the California State Bar (Spring 2004); Save the Case Using the Discovery Rule, Association of Trial Lawyers of America, Trial Magazine (2002); Class Certification in Unfair Business Practices Cases, California Antitrust Law, Antitrust and Unfair Competition Law Section of the State Bar of California (May 2003); and Exclusive Contracts: Are Constructively Terminated Incumbent Physicians Entitled to a Fair Hearing?, 17 Journal of Legal Medicine (March 1996). Mr. Borkon recently served as the Co-Chair of the Board of Directors of the AIDS Legal Referral Panel and serves as a member of the Bay Area Lawyers for Individual Freedom's Judicial Review Committee. He was also a Steinberg Leadership Fellow with the Anti-Defamation League.