

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

RICHARD MEDOFF, Individually and On)	No. 1:09-cv-00554-JNL-PAS
Behalf Of All Others Similarly Situated,)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
vs.)	DECLARATION OF BERNARD M. GROSS
)	FILED ON BEHALF OF LAW OFFICES
CVS CAREMARK CORPORATION, et al.,)	BERNARD M. GROSS, P.C. IN SUPPORT
)	OF APPLICATION FOR AWARD OF
Defendants.)	ATTORNEYS' FEES AND EXPENSES
)	
)	

I, Bernard M. Gross, declare as follows:

1. I am a member of the firm of Law Offices Bernard M. Gross, P.C. ("BMGPC" or the "Firm"). I am submitting this declaration in support of my Firm's application for an award of attorneys' fees and expenses/charges ("expenses") in connection with services rendered in the above-entitled action.

2. This Firm is co-counsel of record for plaintiff Richard Medoff.

3. The Firm was retained by Mr. Medoff, investigated and research this matter, drafted the initial complaint, filed the initial complaint, issued a press release pursuant to the PSLRA and responded to calls from CVS shareholders, attended the hearing on the lead plaintiff motion, communicated with co-counsel on the case including the lead plaintiff motion, the opposition to the motion to dismiss, and the numerous court rulings in this case. The information in this declaration regarding the Firm's time and expenses is taken from time and expense printouts and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm

both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

4. The number of hours spent on this litigation by my Firm is 56.25. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney time based on the Firm's current rates is \$40,036.25. The hourly rates shown in Exhibit A are the usual and customary rates set by the Firm for each individual.

5. My Firm seeks an award of \$765.18 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B.

6. The following is additional information regarding certain of these expenses:

(a) Filing, Witness and Other Fees: \$50.00. These expenses have been paid to the court for pro hac vice filing fees.

(b) Class Action Notices/Business Wire: \$175.00. This expense was necessary under the Private Securities Litigation Reform Act of 1995's "early notice" requirements, which provides, among other things, that "[n]ot later than 20 days after the date on which the complaint is filed, the plaintiff or plaintiffs shall cause to be published, in a widely circulated national business-oriented publication or wire service, a notice advising members of the purported plaintiff class -- (I) of the pendency of the action, the claims asserted therein, and the purported class period; and (II) that, not later than 60 days after the date on which the notice is published, any member of the purported class may move the court to serve as lead plaintiff of the purported class." *See* 15 U.S.C. §78u-4(a)(3)(A)(i) .

(c) Transportation, Hotels & Meals: \$400.40. In connection with the prosecution of this case, the Firm has paid for travel expenses to attend, among other things, the

lead plaintiff motion hearing in Rhode Island. The date, destination and purpose of each trip is set forth in Exhibit C.

(d) Photocopies: \$91.00. In connection with this case, the Firm made 304 in-house black and white copies, charging \$0.25 per copy for a total of \$76.00. In addition the Firm made 20 in-house color copies, charging \$0.75 per copy for a total of \$15.00. Each time an in-house copy machine is used, our billing system requires that a case or administrative billing code be entered and that is how the 324 copies were identified as related to this case.

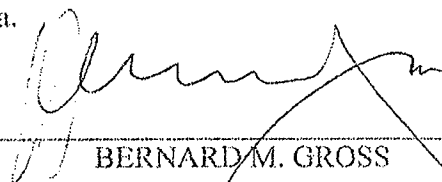
(e) Online Legal and Financial Research: \$24.90. These included vendors such as Lexis and PACER. These databases were used to obtain access research to draft the complaint. This expense represents the expense incurred by BMGPC for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested.

(f) Telephone and Postage: \$23.88. These included long distance calls totaling \$14.08 and postage by U.S. Mail and Federal Express of \$9.80.

7. The expenses pertaining to this case are reflected in the books and records of this Firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

8. The identification and background of my Firm and its partners is attached hereto as Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of December 2015, at Philadelphia, Pennsylvania.



BERNARD M. GROSS

CERTIFICATE OF SERVICE

I, Barry J. Kusnitz, hereby certify that on December 15, 2015, I caused a true and correct copy of the attached:

DECLARATION OF BERNARD M. GROSS FILED ON BEHALF OF LAW OFFICES
BERNARD M. GROSS, P.C. IN SUPPORT OF APPLICATION FOR AWARD OF
ATTORNEYS' FEES AND EXPENSES

to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such public filing to all counsel registered to receive such notice.

/s/ Barry J. Kusnitz

BARRY J. KUSINITZ

Mailing Information for a Case 1:09-cv-00554-JNL-PAS Medoff v. CVS Caremark Corporation et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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- **Katherine M. Turner**
kturner@wc.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)

EXHIBIT A

EXHIBIT A

LODESTAR

LAW OFFICES BERNARD M. GROSS P.C.
Time Report from Inception through November 19, 2015

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Bernard M. Gross	(P)	4.0	\$795.00	\$3,180.00
Deborah R. Gross	(P)	33.75	\$750.00	\$25,312.50
Robert P. Frutkin	(P)	8.75	\$750.00	\$6,562.50
Susan R. Gross	(P)	7.0	\$525.00	\$3,675.00
Tina Moukoulis	(A)	2.75	\$475.00	\$1,306.25
<i>TOTAL</i>		56.25		\$40,036.25

(P) Partner

(A) Associate

EXHIBIT B

EXHIBIT B

EXPENSES/CHARGES

Inception through November 19, 2015

<i>CATEGORY</i>		<i>TOTAL</i>
Filing, Witness and Other Fees		\$50.00
Class Action Notices/Business Wire		\$175.00
Transportation, Hotels & Meals		\$400.40
Telephone, Facsimile,		\$14.08
Postage and Overnight Mail		\$9.80
Photocopies		\$91.00
In-House Black and White Copies: (304 copies at \$0.25 per page)	\$76.00	
In-House Color Copies: (20 copies at \$0.75 per page)	\$15.00	
Online Legal and Financial Research		\$24.90
<i>TOTAL</i>		<i>\$765.18</i>

EXHIBIT C

EXHIBIT C

Transportation, Hotels & Meals: \$400.40.

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>
Deborah R. Gross	3-1-2010	Rhode Island	Hearing in District Court

EXHIBIT D

Law Offices Bernard M. Gross, P.C. (the “Firm”), is committed to providing professional, efficient, and attentive legal services. We are nationally recognized lawyers concentrating on helping individuals, classes of individuals, hedge funds or businesses who have been injured as a result of violations of the antitrust laws, securities laws, ERISA laws, or consumer protection laws or another’s negligence and fraud in federal and state courts throughout the country. The Firm has also represented shareholders in their fight for changes in corporate governance.

We value practicing in a small environment where professional and personal interaction, among all, is essential for a team approach to cases. The Firm’s structure allows for a far greater degree of independence, flexibility, and satisfaction than a large firm environment without sacrificing the quality and sophistication of representation necessary to litigate complex civil actions successfully throughout the United States.

Judges throughout the country have recognized contributions of the Firm in class action cases. In approving an \$82.5 million settlement of a securities fraud lawsuit against Aetna, Inc. in the United States District Court for the Eastern District of Pennsylvania, in which the Firm was co-lead counsel, Judge Padova stated:

“Furthermore, class counsel is of high caliber with extensive experience in similar class action litigation . . . consistently submitted documents of superb quality, and were very diligent in preparing filings in a timely manner under tight deadlines This Court has made special note of the efficiency and professionalism of counsel in completing discovery and resolving discovery disputes with little court intervention.”

In re Aetna Inc. Securities Litigation, MDL No. 1219 (E.D.Pa. January 5, 2001).

Similarly, in approving a settlement of \$106 million in the United States District Court for the Eastern District of Pennsylvania, in *In re Automotive Refinishing Paint Antitrust Litigation*, MDL 1426, Judge Surrick commented on Law Offices Bernard M. Gross, P.C., noting:

I want to commend counsel on both sides of this litigation. I think that the representation on both sides of this litigation is as good as I’ve ever seen in my entire professional career. Counsel worked together in this case. They frankly made the job of this Court very easy and I commend all of you for what you’ve done in this litigation.

pp. 18-19 of transcript of August 9, 2007 hearing.

In *Cortese v. Radian*, Civil Action No. 07-3375 (E.D.Pa. January 30, 2008), Judge McLaughlin stated:

“Bernard Gross has been active in securities litigation for 30 years. The Court is familiar with the firm and is confident that it is qualified to serve as liaison counsel.”

The Firm is a strong supporter of the Philadelphia Bar Foundation, Philadelphia Museum of Art, having been a corporate sponsor for many years, the Free Library of Philadelphia, Pennsylvania Academy of Fine Arts, the University of Pennsylvania and Central High School, having assisted in raising moneys to build a new library. The Firm has recently donated three Harley Davidson police motorcycles to the City for the Philadelphia Police Highway Patrol.

Bernard M. Gross is a graduate of Central High School of Philadelphia (B.A. 1952), the University of Pennsylvania Wharton School (B.S. 1956), and the University of Pennsylvania School of Law (L.L.B. 1959). He founded the Law Offices Bernard M. Gross, P.C., over fifty years ago. He is a former Assistant City Solicitor in charge of bonds and contracts for the City of Philadelphia (1961-64). He was a member of the Pennsylvania General Assembly from 1967-70. He is admitted to practice before the United States Supreme Court, United States Court of Appeals for the Third Circuit, the United States District Court for the Eastern District of Pennsylvania and the Supreme Court of Pennsylvania. He recently received an award from the Philadelphia Bar Association for "50 years of distinguished service to the community and to the profession in the finest tradition of the Philadelphia Lawyer."

Bernard M. Gross has been an active member of The American Association for Justice since 1960. In 1990, he received the "Stalwart" award from The Association of Trial Lawyers of America. Mr. Gross was a member of the House of Delegates of the Pennsylvania Bar Association (1988-93). He is a former member of the Board of Governors of the Pennsylvania Association for Justice and currently a member of the Legislative Policy Committee of the Pennsylvania Bar Association. Mr. Gross was a member of the Board of Governors of the Philadelphia Bar Association, a past President of the Philadelphia Trial Lawyers Association, past Chairman of the Philadelphia Bar Association Committee on Judicial Compensation and former Chairman of its Civil Legislative Committee. He is formerly Chancellor of the Tau Epsilon Rho Law Fraternity Philadelphia Graduate Chapter.

Mr. Gross has lectured on behalf of the Philadelphia Trial Lawyers Association and the Pennsylvania Trial Lawyers Association. He has participated in many complex federal and class actions, including antitrust, consumer fraud and corporate securities litigation.

Warren Rubin graduated from Pennsylvania State University (B.S. 1965) and Temple University School of Law (J.D. 1971). From 1966-68, Mr. Rubin was an Officer in the U.S. Army. He served as a law clerk to the Honorable John Morgan Davis U.S. District Court for the Eastern District of Pennsylvania (1971-73). Mr. Rubin is admitted to practice before the Supreme Court of Pennsylvania, the United States Supreme Court, the United States Court of Appeals for the Second, Third, and Fifth Circuits and the United States District Court for the Eastern District of Pennsylvania. Mr. Rubin has specialized in antitrust, securities and complex litigation and has lectured and spoken on the subject before various professional, business and legislative bodies. Mr. Rubin was also an Associate Editor, Yearbook of Franchise Law Review Articles, published by Federal Publications, Washington, D.C. Mr. Rubin tried *Maioco v. Olin Ski Company*, C.A. No. 79-4045 (E.D.Pa.), the first successful vertical price fixing class action case tried before a jury.

Many of the current procedures used by Courts and attorneys throughout the country have been established by Mr. Rubin in cases in which he has been involved throughout his legal career.

Besides litigating cases for almost 40 years, Mr. Rubin has been a world traveler having visited more than 100 countries and all 7 continents. Mr. Rubin also collects antique automobiles, 18th Century American furniture and oriental carpets.

Deborah R. Gross is a graduate of the University of Pennsylvania Wharton School (B.S. 1982) and Boston University School of Law (J.D. 1985). She is a graduate of Cheltenham High School. She is admitted to practice before the Supreme Court of Pennsylvania, the Supreme Court of Massachusetts, the United States District Courts for the Eastern District of Pennsylvania, for the District of Massachusetts, for the District of Colorado, and for the Central District of Illinois, the United States Court of Appeals for the Second, Third and Tenth Circuits, and the United States Supreme Court.

Since 1998, Ms. Gross has been a lecturer in the Federal Securities Law at the PBI Annual Federal Securities Law Forum. She has also taught various Continuing Legal Education seminars including Oral Advocacy in the Federal Courts, Changes to Rule 23 of the Federal Rules of Civil Procedure, Attorney's Fees in Class Actions and current topics in the securities laws. In 2002, Ms. Gross was a guest panelist at the University Of Chicago Graduate School Of Business, 50th Annual Management Conference. She spoke on the topic of "Accounting in Crisis - Who Watches the Watchdogs?" In 2003, Ms. Gross also spoke at The Directors' Conference, a three-day intensive program for directors and senior executives to explore the fundamentals of corporate governance and board service offered by the University Of Chicago Graduate School Of Business, Stanford Law School and the Wharton School of the University of Pennsylvania. She discussed the legal issues surrounding audit committee qualifications, responsibility and content. She spoke at the 2006 ABA Section of Business Law Annual Meeting on Controlling Restatement Chaos. Ms. Gross was on the Attorney Advisory Committee to the Pennsylvania Securities Commission in 2006 and 2007. Ms. Gross was a presenter on Rule 23 Class Actions at the 2010 City of Philadelphia Law Department CLE course. In 2011, Ms. Gross spoke at the Sandpipers Partners LLC Securities and Corporate Law Update held at the University of Pennsylvania Law School and is speaking at the Best Practices in Federal Litigation sponsored by the Pennsylvania Bar Institute. In November 2013, she spoke at the RR Donnelly PBI sponsored 18th Annual Business Lawyers Institute on Merger & Acquisition Litigation Involving Pennsylvania Corporations. She also was panel member for Sandpipers Partners LLC E-Discovery Advocacy Institute Conference in New York at the Yale Club.

Ms. Gross was chair of the Federal Courts Committee of the Philadelphia Bar Association and was responsible for organizing the June 1998 Bench Bar Conference of the Philadelphia Bar Association. She was a member of the Third Circuit Judicial Council Bench Bar Relations Committee. She is a member of the Philadelphia Federal Court Historical Society and chaired the annual dinner where Justice Scirica spoke. She was on the Friends Committee for the 29th Annual Conference of the National Association of Women Judges. On July 18, 2013, Ms. Gross was a speaker on behalf of the Philadelphia Bar Association at the United States District Court of the Eastern District of Pennsylvania Law Day Naturalization Ceremony.

Ms. Gross is the Vice Chancellor of the Philadelphia Bar Association and the immediate past President of the Philadelphia Bar Foundation. She has been a trustee of the Foundation since 2004. Debbie co-chaired the Foundation's Andrew Hamilton Benefit in 2006 and 2007. The Foundation's mission is to promote access to justice for all people in the community, particularly those struggling with poverty, abuse and discrimination. The Foundation provides funding to over 30 grantee organizations including. She was responsible for the establishment of the Cy Pres

Committee of the Foundation which requests courts to award the residual moneys from class action lawsuits. Ms. Gross is also a board member of VIP and PILCOP.

Ms. Gross is involved in many other nonprofit and educational organizations including Temple Adath Israel where she was a member of the Executive Committee and is currently co-chairing its Hineni Capital Campaign. Previously, she was Vice President of Education, responsible for education at the preschool and religious school. She has also been head of the education committees of the religious school and preschool as well as a member of the Board of Directors. Her children attended the William Penn Charter School where she was a class parent. She has also organized a program to bring the third and eighth grade students from William Penn Charter to the federal courthouse to observe a naturalization ceremony. She co-chaired and raised moneys for the University of Pennsylvania Class of 1982 25th year reunion which had a record number of attendees and raised a record number of donations. She has supported numerous charitable organizations including Hazon, Jaffa Institute. She participated in the first Three Day Walk in Philadelphia to raise moneys for breast cancer.

Robert P. Frutkin is a 1971 graduate of the University of Rochester and a 1975 *cum laude* graduate of the Temple University School of Law, where he was a member of the Staff of the Temple Law Quarterly. Mr. Frutkin is admitted to practice before the Supreme Court of Pennsylvania, the United States Court of Appeals for the Third, Fourth, Seventh, Eighth, Ninth and Eleventh Circuits, and the United States District Court for the Eastern District of Pennsylvania. Prior to this becoming Of Counsel to the Firm, Mr. Frutkin formed his own firm of Savett Frutkin Podell & Ryan. Prior to the formation of his firm on October 1, 1991, Mr. Frutkin had been a shareholder of Berger & Montague, P.C., in Philadelphia. Mr. Frutkin worked in the Peace Corps.

In *In re U.S. Bioscience Securities Litigation*, 92-CV-678 (E.D. Pa.) (April 14, 1994 Hearing Transcript at pp. 38-39), the Court commented favorably on Mr. Frutkin's performance as co-lead counsel:

Since I've been down here, the quality of lawyering on both sides, but I'm going to stress now on the plaintiffs' side, simply has not been exceeded in any case and we've had some marvelous counsel appear before us and make superb arguments, but they really don't come any better than...Mr. Frutkin, and the argument we had on the Motion to Dismiss, for example, Motions to Dismiss, both sides were fabulous, but plaintiffs' counsel were as good as they come.

Mr. Frutkin successfully argued before the 7th Circuit Court of Appeals the landmark decision in *In re Abbott Laboratories Deriv. Litig.*, 325 F.3d 795 (7th Cir. 2003), as well as before Delaware Chancery Court, the landmark decision in *In re Netsmart Technologies Inc. Shs. Litig.*, where the Court faulted Netsmart for excluding strategic buyers from its sales process and ordered the company to delay a vote on a proposed acquisition.

Susan R. Gross is a graduate of Hofstra University in Hempstead, New York (B.A. 1985) and Suffolk University School of Law (J.D. 1989). She graduated from Cheltenham High School. She is admitted to practice before the Supreme Court of Pennsylvania, the Supreme Court of Florida, the United States District Court for the Eastern District of Pennsylvania and the United States Court of Appeals for the Third Circuit. She is a member of the Philadelphia Bar Association and Pennsylvania Association for Justice. Ms. Gross also sits as an arbitrator for the Court of Common Pleas, Philadelphia County, First Judicial District.

Besides her involvement in the law and legal community, Ms. Gross is active at the William Penn Charter School in East Falls, Pennsylvania as a class parent. She was formerly Co-Chair of the Temple Adath Israel Parent Teacher Association for three years. Ms. Gross is also an active supporter of the Cystic Fibrosis Foundation, Angelman Syndrome Foundation, Susan B. Komen Breast Cancer Foundation and the Career Wardrobe, a non-profit organization that provides free professional clothing and educational opportunities to women in the Philadelphia region.

She concentrates her practice in securities fraud litigation. Ms. Gross serves in the Firm's lead plaintiff department which involves working with clients, litigation strategy and lead plaintiff issues, as well as in the shareholder relations department.

Tina Moukoulis is a graduate of Ursinus College (B.A. 1993) and Pennsylvania State University at the Dickinson School of Law (J.D. 1998). During law school, Ms. Moukoulis was a member of the *Dickinson Law Review* and served as a Student Attorney representing indigent clients in domestic matters through the Dickinson Family Law Clinic. Ms. Moukoulis also served as a judicial intern in the Superior Court of Pennsylvania (1996). Since joining the Firm in 1998, she concentrates her practice in the area of antitrust and securities fraud litigation.

Ms. Moukoulis is admitted to practice in the Supreme Court of Pennsylvania, the Supreme Court of New Jersey, the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey, and the United States Court of Appeals for the Third Circuit Court, and is a member of the Pennsylvania Bar Association.

In addition to being an active steward of her parish, Ms. Moukoulis also supports events and organizations focused on promoting medical research for breast cancer as well as the education and social awareness of breast cancer issues. She also supports The Career Wardrobe, a nonprofit organization that provides free professional clothing and educational opportunities to women in the Philadelphia region.

SETTLEMENTS IN WHICH THE FIRM HAS BEEN INVOLVED AS LEAD, COLEAD OR LOCAL COUNSEL

SECURITIES FRAUD CLASS ACTION LAWSUITS

ADVANTA (2:09cv04730-CMR)(E.D. Pa.) The Firm was local counsel, representing investors who purchased or otherwise acquired the Class A and/or Class B common stock of Advanta Corp. between November 27, 2007 and May 11, 2009, inclusive. The complaint alleged that Advanta and certain of its officers and/or directors issued materially false and misleading statements regarding the Company's business and financial results during the class period in violations of the Securities Exchange Act of 1934 (the "1934 Act"). A settlement was achieved on behalf of the class for \$13.25 million.

AETNA (E.D. Pa.) – The Firm was co-lead counsel, representing investors in Aetna Inc. stock that purchased the company's common stock between May 6, 1997 through September 29, 1997. The complaint alleged that defendants, through a series of accounting and actuarial manipulation, called Aetna to falsify its publicly filed financial statement by reporting materially understated medical expenses and artificially inflated operating earnings. A settlement was achieved on behalf of the class for \$82.5 million.

ALLEGHENY ENERGY (D. Md.) – The Firm was co-lead counsel on behalf of a class of purchasers of Allegheny Energy Securities between April 23, 2001 and October 8, 2002. The action alleged that defendants concealed a chronic and systematic breakdown of the company's internal accounting controls at Global Energy Markets, the company's newly acquired energy trading subsidiary. A settlement was achieved for \$15.05 million.

AMF BOWLING (S.D.N.Y.) - The Firm was co-lead counsel on behalf of purchasers of AMF common stock in the Initial Public Offering on November 19, 1997 through and including February 26, 1999. Plaintiffs alleged that the Registration Statement and Prospectus failed to disclose the serious risks posed by the continuing decline in lead participation at AMF Bowling Centers and the risk that AMF reported financial results were not false and misleading. During the course of the litigation, the company filed for bankruptcy protection. The matter settled for \$20 million comprised of two settlements, \$12 million from the Investment Bank Defendants and \$8 million from the Individual Defendants.

PARKSIDE CAPITAL LLC v. CONSTAR INTERNATIONAL, INC. et al., (2:03cv05020-EL)(E.D. Pa.). The Firm was local counsel, representing investors who purchased Constar common stock shares pursuant or traceable to Constar's November 14, 2002 initial public offering. The Complaint alleges that Constar, certain of its officers and directors, the co-lead underwriters of the IPO, and Constar's former parent company, Crown Holdings, Inc., formerly known as Crown Cork & Seal Company, Inc. violated Sections 11 and 15 of the Securities Act of 1933 (the "Securities Act"), 15 U.S.C. § 77k and 77o. The case settled for \$23.5 million.

COREL CORPORATION (E.D. Pa.) – The Firm was co-lead counsel on behalf of purchasers of Corel common stock between December 7, 1999 and March 20, 2000. Plaintiffs alleged that defendants did not disclose the truth about the company’s business prospects and earnings. A settlement was achieved for \$7 million.

HUNTSMAN (E.D. Pa.) – The Firm was lead counsel on behalf of all persons or entities who purchased the common stock or call options or sold put options, of Huntsman between May 14, 2008 and June 18, 200. The case concerned defendants’ false and misleading statements and omissions of material facts concerning the proposed merger between Hexion and Huntsman (“the Proposed Merger”) pursuant a merger agreement, signed on July 12, 2007, between Hexion, as the buyer, and Huntsman, as the seller, in which Hexion would purchase all of the common stock of Huntsman for \$28 per share, in cash (“the Merger Agreement”). A settlement was achieved for \$18 million.

LEHMAN BROTHERS (S.D.N.Y.) - The Firm served on the executive committee on behalf of a group of institutional investors. The action arose from misstatements and omissions regarding, among other things, Lehman’s financial condition and its use of undisclosed “Repo 105” transactions to artificially reduce its reported net leverage ratio in the period leading up to Lehman’s unprecedented bankruptcy filing on September 15, 2008, the largest bankruptcy filing in the U.S. history. On May 4, 2012, Judge Lewis Kaplan granted final approval of a \$426.2 million settlement with the over 40 offering underwriters, representing 13% of the \$3.3 billion in Lehman securities that these defendants underwrote. On May 24, 2012, Judge Kaplan approved an additional \$90 million settlement with certain of Lehman’s former officers and directors, amounting to the vast majority of the remaining D&O insurance proceeds. In 2013, Judge Kaplan approved a settlement against the accountants, Ernst & Young. This concluded the over 5 year litigation against Lehman Brothers.

MOTOROLA (N.D. Ill.) – The Firm was co-lead counsel on behalf of purchasers of the common stock of Motorola from November 4, 1994 to February 17, 1995 and achieved a \$25 million settlement of these claims. The case concerned allegations that defendants knew but did not disclose the material information concerning excess inventory of Motorola cell phones held by Motorola’s domestic customers.

NEXTWAVE WIRELESS (S.D. Cal.) - The Firm was co-lead counsel on behalf of all persons who purchased the common stock between November 14, 2006 and August 7, 2008. The case concerned allegations that defendants did not disclose material information concerning the Company’s liquidity and future viability as well as its ability to launch its new WiMAX semiconductor products. A settlement was achieved for \$1.4 million.

RAVISENT TECHNOLOGIES INC. (E.D. Pa.) – The Firm was co-lead counsel on behalf of purchasers of Ravisent stock between July 15, 1999 and April 27, 2000 and achieved a settlement of \$7 million in cash. Plaintiffs alleged that Ravisent failed to disclose that the company was recognizing revenue from software licensing agreements in violation of its own internal accounting procedures. As a result of the improper revenue recognition, plaintiffs alleged that the company’s financial statements contained material overstatements of revenue.

ULTA SALON, COSMETICS & FRAGRANCE, INC. (N. D. Ill.) The Firm was co-lead on behalf of purchasers the common stock between October 25, 2007 and December 10, 2007. Plaintiffs alleged that defendants made misstatements and omissions in the registration statement and prospectus for ULTA's initial public offering of its common stock on October 25, 2007 (the "IPO") concerning: (i) ULTA's selling, general and administrative expenses in the Third Quarter of 2007, and (ii) the levels of ULTA's merchandise inventories in the Third Quarter of 2007. A settlement was achieved for \$3,750,000.

UNIVERSAL ACCESS INC. (E.D. Tx.) – The Firm was co-lead counsel on behalf of purchasers of Universal Access common stock from May 10, 2001 through March 22, 2002. Plaintiffs alleged that defendants made misrepresentations about Universal Access' financial statements. A settlement was achieved for \$11 million.

VERISIGN INC. (N.D. Cal.) – The Firm represented investors in Verisign Inc. who purchased their stock between January 25, 2001 and April 25, 2002. The court approved a settlement for a total consideration of \$78 million. Plaintiffs alleged that defendants made false and misleading statements about the company's business and financial results.

ANTITRUST CLASS ACTION LAWSUITS

AUTO PAINT REFINISHING (E.D.Pa.) – The Firm served as co-lead counsel for the class in an antitrust action on behalf of direct purchasers of automotive refinishing paint from defendants during the period January 1, 1993 to December 31, 2000. Settlement has been reached with all defendants totaling \$106 million. Defendants included PPG Industries, E.I. DuPont de Numours, Sherwin-Williams, BASF and Akzo Nobel Coatings. This was the largest settlement ever achieved in which the federal government empanelled a grand jury and, eventually, closed the investigation without any charges brought against any of the paint manufacturers.

CARBON BRUSHES (N.D.J.) – The Firm served as co-lead counsel for the class in an antitrust action that accused a group of manufacturers of electrical carbon products of engaging in a decade long conspiracy to fix prices. Defendants included Morgan Crucible, Carbone of America Industries, Schunk GmbH and SGL Carbon. A settlement was reached for \$21.9 million.

FASTENERS -- (E.D.Pa.) This was an antitrust action brought on behalf of direct purchasers of fasteners, alleging that defendants engaged in a conspiracy to fix prices and allocate customers and markets for fasteners. Fasteners include zippers, snaps, hooks and eyes, rivets and other fastening devices used in apparel, garments and footwear. Defendants included leading fasteners manufacturers William Prym GmbH & Co. KG, YKK Corporation, Coats plc, and Scovill Fasteners, Inc. A settlement was reached with Prym, YKK and Coats for \$17.55 million. Scovill filed for bankruptcy and was dismissed from the case.

FLAT GLASS - (M.D.L. 1200) (W.D. Pa.) - Horizontal price fixing. This was an antitrust action brought on behalf of purchasers of flat glass products alleging that the principal manufacturers of such products colluded to fix prices at artificially inflated levels. Settlements were reached with four of the five defendants totaling over \$60 million.

MEDICAL X-RAY FILM (E.D.N.Y.) – The Firm was co-lead for the class of purchasers from the manufacturers of x-ray film and recovered \$24 million on behalf of the class by settlement.

OLIN SKI LITIGATION (E.D. Pa.) – The Firm was co-lead counsel alleging price fixing by Olin Ski Company and its distributors in the United States. The case was tried and the jury returned a verdict in favor of the class. This was the first time that a class action vertical price fixing case was successfully tried before a jury. The case was eventually settled for more than \$7 million.