

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

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U.S. DISTRICT COURT

2002 NOV 25 PM 5:03

EASTERN DISTRICT
OF TEXAS
BEAUMONT DIVISION

MICHAEL FEDER, Individually And On
Behalf of Himself and All Others Similarly
Situatd,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, JAMES E. DALEY, and
RICHARD H. BROWN,

Defendants.

Case No. 02-CV-207
(Folsom, David)

SECURITIES CLASS ACTION

DECLARATION OF ROBERT S. GANS
IN SUPPORT OF THE MOTION OF NEW
JERSEY TO BE APPOINTED LEAD
PLAINTIFF PURSUANT TO
§21D(a)(3)(B) OF THE SECURITIES
EXCHANGE ACT OF 1934 AND TO
APPROVE PROPOSED LEAD
PLAINTIFF'S CHOICE OF COUNSEL

MAYER HORWITZ, and BARBARA
HORWITZ, On Behalf of Themselves And
All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-232
(Ward, T. John)

GREGORY R. MILLER, On Behalf Of
Himself And All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-233
(Folsom, David)

CRAIG THOMPSON, Individually And On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-248
(Folsom, David)

BARRY FAMILY LP, On Behalf of
Themselves and All Others Similarly
Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-300
(Davis, Leonard)

JOHN BRAUN and MARC ABRAMS, On
Behalf of Themselves and All Others
Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-304
(Davis, Leonard)

STEPHEN M. HARNIK, Individually And
On Behalf of All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-308
(Brown, Paul)

BRIDGEWATER PARTNERS, On Behalf
of Themselves and All Others Similarly
Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-310
(Davis, Leonard)

GLEN VANDERWARTER, Individually
And On Behalf of All Others Similarly
Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-314
(Brown, Paul)

LIEF THORNE-THOMSEN, Individually
And On Behalf of All Others Similarly
Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-321
(Davis, Leonard)

JOHN J. BRITT, JR., Individually And On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-322
(Brown, Paul)

STANLEY SVED, On Behalf Of Himself
And All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-323
(Brown, Paul)

HADDON ZIA, On Behalf of Himself And
All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-329
(Schell, Richard A.)

WILLIAM J. KLUEMPER, Individually
And On Behalf of All Others Similarly
Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-331
(Brown, Paul)

JOHN McLOUGHLIN, On Behalf Of
Himself And All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-335
(Davis, Leonard)

STANTON DISCOUNT PHARMACY, On
Behalf of Itself And All Others Similarly
Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-336
(Brown, Paul)

JENNIFER CHANA FINK, On Behalf of
Herself and All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-365
(Davis, Leonard)

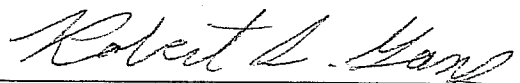
I, Robert S. Gans, declare as follows:

1. I am a member in good standing of the Bars of California and New York, and of the law firm of Bernstein Litowitz Berger & Grossmann LLP. I respectfully submit this declaration, together with the exhibits annexed hereto, in support of the motion (the "Motion") filed by the Department of the Treasury of the State of New Jersey and its Division of Investment, on behalf of Common Pension Fund A ("New Jersey"): (1) to appoint New Jersey as Lead Plaintiff in the above-captioned Actions, and any actions consolidated therewith; and (2) for approval of New Jersey's selection of counsel. I am fully familiar with the facts set forth herein.

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

- Exhibit A: Certification of John E. McCormac CPA, Treasurer of the State of New Jersey, on behalf of New Jersey;
- Exhibit B: Notice dated September 26, 2002 of filing of the first complaint against Electronic Data Systems Corporation *et, al.*;
- Exhibit C: Declaration John E. McCormac CPA, Treasurer of the State of New Jersey, on behalf of New Jersey, in support of the Motion;
- Exhibit D: Loss Calculation of New Jersey;
- Exhibit E: Firm Biography of Bernstein Litowitz Berger & Grossmann LLP;
- Exhibit F: Firm Biography of Greenbaum, Rowe, Smith, Ravin, Davis & Himmel LLP;
- Exhibit G: Firm Biography of Nickens, Keeton, Lawless, Farrell & Flack, L.L.P.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Executed this 22nd day of November 2002.



ROBERT S. GANS


EXHIBIT A

CERTIFICATION

John E. McCormac CPA, Treasurer of the State of New Jersey, declares for the Department of the Treasury and its Division of Investment on behalf of Common Pension Fund A (hereinafter, "New Jersey"), as to the claims asserted under the federal securities laws, that:

1. He has reviewed two complaints filed in this matter (the "Action"): *Feder v. Electronic Data Systems Corp.*, Civ. Action No. 5:02-CV-207 (E.D.Tex.) and *Sved v. Electronic Data Systems Corp.*, Civ. Action No. 4:02-CV-323 (E.D.Tex.).
2. New Jersey did not purchase the securities that are the subject of this Action at the direction of its counsel, Bernstein Litowitz Berger & Grossmann LLP and Greenbaum, Rowe, Smith, Ravin, Davis & Himmel LLP, or to participate in this action.
3. New Jersey is willing to serve as Lead Plaintiff and class representative on behalf of the Class asserted in the Action, including providing testimony at deposition and trial, if necessary. New Jersey fully understands the duties and responsibilities of the Lead Plaintiff under the Private Securities Litigation Reform Act of 1995 regarding its options as to selection and retention of counsel and overseeing the prosecution of the Action for the Class.
4. New Jersey's transactions in Electronic Data Systems Corporation securities that are the subject of this Action for the period from September 7, 1999 through September 24, 2002 are set forth in the chart attached hereto.
5. During the three years prior to the date of this Certification, New Jersey has neither sought to serve, nor served, as a lead plaintiff for a class in any action filed under the federal securities law.
6. New Jersey will not accept any payment for serving as Lead Plaintiff on behalf of the Class beyond its pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) 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. Executed this 22nd day of November 2002.



John E. McCormac CPA
Treasurer of the State of New Jersey

State of New Jersey
Division of Investment
Common Pension Fund A
Trades in Electronic Data Systems Corporation (EDS)
9/7/99-9/24/02

<u>Transaction</u>	<u>Date</u>	<u>Amount</u>	<u>Price</u>
BUY	10/19/99	15,000	\$49.91
BUY	10/19/99	15,000	\$49.91
BUY	10/20/99	22,500	\$50.70
BUY	10/20/99	22,500	\$50.70
BUY	10/21/99	12,500	\$49.74
BUY	10/21/99	12,500	\$49.74
BUY	2/22/00	25,000	\$66.41
BUY	2/23/00	42,500	\$66.57
BUY	2/24/00	7,500	\$66.44
SALE	12/5/00	-30,000	\$58.92
SALE	12/6/00	-60,000	\$59.32
BUY	6/5/01	20,000	\$61.79
BUY	6/6/01	80,000	\$61.15
BUY	6/7/01	60,000	\$60.94
BUY	6/12/01	20,000	\$61.18
BUY	6/13/01	40,000	\$61.70
BUY	6/14/01	40,000	\$60.78
BUY	6/19/01	20,000	\$61.48
BUY	6/20/01	80,000	\$60.10
BUY	9/4/01	30,000	\$60.30
BUY	9/5/01	100,000	\$58.87
BUY	9/6/01	40,000	\$59.04
BUY	10/9/01	35,000	\$57.51
BUY	10/10/01	30,000	\$58.12
BUY	10/11/01	40,000	\$58.04
BUY	10/16/01	15,000	\$59.01
BUY	10/17/01	15,000	\$60.97
BUY	10/18/01	15,000	\$60.72
BUY	10/19/01	25,000	\$60.49
BUY	10/23/01	10,000	\$61.95
BUY	10/24/01	25,000	\$61.89
BUY	10/25/01	15,000	\$63.57
BUY	10/26/01	55,000	\$64.75
BUY	10/29/01	30,000	\$64.06
SALE	1/2/02	-27,500	\$67.02
SALE	1/2/02	-27,500	\$67.02

SALE	1/3/02	-5,000	\$66.95
SALE	1/3/02	-5,000	\$68.95
SALE	1/4/02	-25,000	\$66.04
SALE	1/4/02	-25,000	\$66.04
SALE	1/22/02	-15,000	\$66.51
SALE	1/23/02	-10,000	\$66.47
SALE	1/24/02	-25,000	\$65.03
SALE	1/25/02	-5,000	\$64.47
SALE	1/28/02	-20,000	\$63.76
BUY	4/9/02	8,700	\$52.02
BUY	4/9/02	1,300	\$52.07
BUY	4/10/02	45,000	\$51.88
BUY	4/11/02	25,000	\$51.36
BUY	4/12/02	20,000	\$51.80
SALE	5/14/02	-75,000	\$54.28
SALE	5/21/02	-5,000	\$53.96
SALE	5/22/02	-5,000	\$54.02
SALE	5/23/02	-45,000	\$53.88
SALE	5/24/02	-20,000	\$53.60

EXHIBIT B

BUS Milberg Weiss Announces Class Action Lawsuit Against Electronic
Sep 26 2002 18:33

Data Systems Corporation

Business Editors & Legal Writers

NEW YORK--(BUSINESS WIRE)--Sept. 26, 2002--The law firm of Milberg Weiss Bershad Hynes & Lerach LLP announces that a class action lawsuit was filed on September 26, 2002, on behalf of purchasers of the securities of Electronic Data Systems Corporation ("EDS" or the "Company") (NYSE: EDS) between April 19, 2002 and September 24, 2002, inclusive.

A copy of the complaint filed in this action is available from the Court, or can be viewed on Milberg Weiss' website at:
<http://www.milberg.com/cases/eds/>

The action is pending in the United States District Court, Eastern District of Texas, Texarkana Division, located at 301 U.S. Courthouse, 500 Stateline Ave., Texarkana, TX 75501, against defendants EDS, James E. Daley and Richard H. Brown.

The Complaint alleges that defendants violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, and Rule 10b-5 promulgated thereunder, by issuing a series of material misrepresentations to the market between April 19, 2002 and September 24, 2002, thereby artificially inflating the price of EDS securities. The complaint alleges that, throughout the Class Period, defendants issued numerous statements which highlighted the Company's strong financial performance and reassured investors that the Company's "business and financial fundamentals are sound" and the Company's balance sheet is "rock solid." As alleged in the complaint, these statements were materially false and misleading because they failed to disclose and/or misrepresented the following adverse facts, among others: (a) that the Company's program to "manage" its future stock issuance under its employee stock option program was essentially an unhedged bet on the price of EDS common stock, which was exposing the Company to substantial liabilities which were not reflected in the Company's financial statements; (b) that the Company was recording and reporting as assets (e.g. accounts receivable) and as revenue, purported receipts from contracts structured as percentage-of-completion payment arrangements where the requirements of Generally Accepted Accounting Principles ("GAAP") for such recording were not met and where sufficient evidential matter did not exist to support the claimed positive impact on EDS's books; (c) that the Company improperly recorded revenue on contracts for software that did not meet GAAP requirements for such revenue recognition; (d) that the Company was experiencing difficulties with certain of its European contracts such that these contracts were not performing according to the Company's expectations; and (e) as a result of the foregoing, defendants' statements concerning the Company, its earnings, accounting practices and prospects were lacking in a reasonable basis

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Sep 26 2002 18:33

at all relevant times.

On September 18, 2002, EDS shocked the market by announcing that it expects "revenues and earnings for its third quarter of 2002 to be lower than company guidance." In response to this negative announcement, the price of EDS common stock dropped sharply, falling from \$36.46 per share to \$17.20 per share, on extremely heavy trading volume. Then, on September 24, 2002, certain analysts downgraded their rating on EDS stock, citing the Company's obligations on certain put contracts and that in order to close out the position, EDS would have to pay \$225 million. In response, EDS issued a press release in which it acknowledged that it had borrowed money in the commercial paper markets to close out the put contracts. In later public comments, an EDS spokesperson confirmed that the Company borrowed \$225 million. In response to these announcements, the price of EDS common stock plunged further, falling from the previous day's close of \$16.52 per share to close at \$11.68 per share.

If you bought the securities of EDS between April 19, 2002 and September 24, 2002, you may, no later than November 25, 2002, request that the Court appoint you as lead plaintiff. A lead plaintiff is a representative party that acts on behalf of other class members in directing the litigation. In order to be appointed lead plaintiff, the Court must determine that the class member's claim is typical of the claims of other class members, and that the class member will adequately represent the class. Under certain circumstances, one or more class members may together serve as "lead plaintiff." Your ability to share in any recovery is not, however, affected by the decision whether or not to serve as a lead plaintiff. You may retain Milberg Weiss Bershad Hynes & Lerach LLP, or other counsel of your choice, to serve as your counsel in this action.

Milberg Weiss Bershad Hynes & Lerach LLP, a 190-lawyer firm with offices in New York City, San Diego, San Francisco, Los Angeles, Boca Raton, Seattle and Philadelphia, is active in major litigations pending in federal and state courts throughout the United States. Milberg Weiss has taken a leading role in many important actions on behalf of defrauded investors, consumers, and companies, as well as victims of World War II and other human rights violations, and has been responsible for more than \$30 billion in aggregate recoveries. The Milberg Weiss Web site (<http://www.milberg.com>) has more information about the firm.

If you wish to discuss this action with us, or have any questions concerning this notice or your rights and interests with regard to the case, please contact the following attorneys:

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*T

Steven G. Schulman or Samuel H. Rudman
One Pennsylvania Plaza, 49th fl.

BUS Milberg Weiss Announces Class Action Lawsuit Against Electronic
Sep 26 2002 18:33

New York, NY, 10119-0165
Phone number: (800) 320-5081
Email: EDScase@milbergNY.com
Website: <http://www.milberg.com>
*T

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CONTACT: Milberg Weiss Bershad Hynes & Lerach LLP, New York
Steven G. Schulman/Samuel H. Rudman, 800/320-5081
Email: EDScase@milbergNY.com
Website: <http://www.milberg.com>

TICKERS: NYSE:EDS
KEYWORD: NEW YORK
INDUSTRY KEYWORD: CLASS ACTION LAWSUITS
SOURCE: Milberg Weiss Bershad Hynes & Lerach LLP

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with Hyperlinks to your home page.
URL: <http://www.businesswire.com>

-0- Sep/26/2002 22:33 GMT

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

MICHAEL FEDER, Individually And On
Behalf of Himself and All Others Similarly
Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, JAMES E. DALEY, and
RICHARD H. BROWN,

Defendants.

MAYER HORWITZ, and BARBARA
HORWITZ, On Behalf of Themselves And
All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-207
(Folsom, David)

SECURITIES CLASS ACTION

DECLARATION OF JOHN E.
McCORMAC CPA, TREASURER OF
THE STATE OF NEW JERSEY, FOR
THE DEPARTMENT OF THE
TREASURY AND ITS DIVISION OF
INVESTMENT ON BEHALF OF
COMMON PENSION FUND A, IN
SUPPORT OF ITS MOTION TO BE
APPOINTED LEAD PLAINTIFF
PURSUANT TO § 21D(a)(3)(B) OF THE
SECURITIES EXCHANGE ACT OF 1934,
AND TO APPROVE PROPOSED LEAD
PLAINTIFF'S CHOICE OF COUNSEL

Case No. 02-CV-232
(Ward, T. John)

GREGORY R. MILLER, On Behalf Of
Himself And All Others Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
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PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-233
(Folsom, David)

CRAIG THOMPSON, Individually And On
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Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-248
(Folsom, David)

BARRY FAMILY LP, On Behalf of
Themselves and All Others Similarly
Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-300
(Davis, Leonard)

JOHN BRAUN and MARC ABRAMS, On
Behalf of Themselves and All Others
Similarly Situated,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-304
(Davis, Leonard)

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ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
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Defendants.

Case No. 02-CV-308
(Brown, Paul)

BRIDGEWATER PARTNERS, On Behalf
of Themselves and All Others Similarly
Situating,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
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and JAMES E. DALEY,

Defendants.

Case No. 02-CV-310
(Davis, Leonard)

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And On Behalf of All Others Similarly
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ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-321
(Davis, Leonard)

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Behalf of All Others Similarly Situated,

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CORPORATION, RICHARD H. BROWN,
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DALEY,

Defendants.

Case No. 02-CV-322
(Brown, Paul)

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v.

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CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-323
(Brown, Paul)

HADDON ZIA, On Behalf of Himself And
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Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
PAUL J. CHIAPPARONE, and JAMES E.
DALEY,

Defendants.

Case No. 02-CV-329
(Schell, Richard A.)

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Plaintiff,

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ELECTRONIC DATA SYSTEMS
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and JAMES E. DALEY,

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Case No. 02-CV-331
(Brown, Paul)

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Defendants.

Case No. 02-CV-335
(Davis, Leonard)

STANTON DISCOUNT PHARMACY, On
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Case No. 02-CV-336
(Brown, Paul)

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Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION, RICHARD H. BROWN,
and JAMES E. DALEY,

Defendants.

Case No. 02-CV-365
(Davis, Leonard)

I, John E. McCormac CPA, pursuant to 28 U.S.C. § 1746, declare as follows:

I am the Treasurer of the State of New Jersey. I respectfully submit this Declaration in support of the application of the Department of the Treasury of the State of New Jersey and its Division of Investment on behalf of Common Pension Fund A ("New Jersey"), to be appointed Lead Plaintiff in the above captioned Actions, and any other actions consolidated herewith, pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"). I have personal knowledge of the facts set forth herein.

The Division of Investment, Department of Treasury, State of New Jersey, manages Common Pension Fund A, a domestic stock fund created for the purpose of investing the assets of various state pension plans in common stock or securities convertible into common stocks. The participants in Common Pension Fund A are as follows: Judicial Retirement System, Police and Firemen's Retirement System, Public Employees' Retirement System, State Police Retirement System and Teachers' Pension and Annuity Fund. Collectively, these funds support the pension obligations to over 600,000 current and retired public employees. Common Pension Fund A has assets in excess of \$28 billion, while the Division of Investment manages assets in excess of \$72 billion. As reflected in the accompanying Certification, New Jersey purchased a significant amount of the common stock of Electronic Data Systems, Inc. ("EDS" or the "Company") during the period from September 7, 1999 through September 24, 2002 ("Class Period"), and suffered substantial losses as a result of the violations of the federal securities laws alleged in the above-captioned Actions. (See accompanying Certification).

I am familiar with the PSLRA provisions, specifically those regarding professional plaintiffs, and assure the Court that New Jersey takes its fiduciary responsibility to its beneficiaries and to the class that it would represent in this case very seriously. New Jersey is selective in its choice of cases

and believes that this is a case where its service as a Lead Plaintiff can make a significant difference in the outcome for New Jersey and for the Class.

New Jersey is willing and able to take an active role in and control the EDS litigation and to protect the interests of the putative class. The Attorney General of the State of New Jersey and I have selected C. Judson Hamlin, former Superior Court Judge of the New Jersey Superior Court, as Special Master/Coordinator for Pension Fund Litigation ("Special Master"), to monitor this Action on behalf of the Department of the Treasury and its Division of Investment. The Special Master has sufficient time to oversee the prosecution of the case and will consult with the Attorney General and me in making decisions on behalf of New Jersey as Lead Plaintiff for the Class.

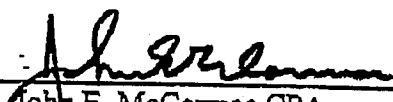
Accordingly, New Jersey has the sophistication, expertise, and resources to supervise this litigation and its counsel, and will keep fully informed at all times concerning the status and progress of this Action, the strengths and weaknesses of the case, and the prospects for settlement. As Lead Plaintiff, it will consult with counsel in advance with respect to each major litigation event, such as important motions, settlement discussions, trial preparation and trial, and shall have the authority and responsibility to direct counsel with respect to each of these events after receiving the benefit of counsels' advice. Further, New Jersey understands that it owes a fiduciary duty to all members of the proposed Class to provide fair and adequate representation and to work actively with class counsel to obtain the largest recovery for the proposed Class consistent with good faith and meritorious advocacy.

New Jersey has met with representatives from various firms that handle these types of securities class actions, and after due consideration, has retained the law firms of Bernstein Litowitz Berger & Grossmann LLP ("Bernstein Litowitz") and Greenbaum Rowe Smith Ravin Davis & Himmel LLP ("Greenbaum Rowe") to serve as Lead Counsel in this case, and Nickens, Lawless &

Flack LLP as Local Counsel.

New Jersey has also taken steps to ensure that, if appointed Lead Plaintiff, the attorneys' fees to be paid to our proposed Lead Counsel out of the recovery will be fair and reasonable under the circumstances. The System has negotiated a fee agreement with our proposed Lead Counsel that provides for varying percentages for attorneys' fees depending on the amount recovered and the stage of the proceeding. These amounts are significantly below the 25% - 30% range that are often awarded in these types of cases. New Jersey is prepared to disclose the agreement to the Court for an *in camera* review should the Court so request.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 22nd day of November 2002.



John E. McCormac CPA
Treasurer of the State of New Jersey

EXHIBIT D

State of New Jersey
 Division of Investment
 Common Pension Fund A
 Trades in Electronic Data Systems Corporation (EDS)
 9/7/99-9/24/02

Shares held at start of class period: 1,030,000

*Sales offset by opening balance
 Remainder of opening balance shares:*

<u>Transaction</u>	<u>Date</u>	<u>Amount</u>	<u>Price</u>	<u>Transaction</u>	<u>Date</u>	<u>Amount</u>	<u>Price</u>	<u>Current mean trading price*</u>	<u>Loss</u>
BUY	10/19/99	15,000	\$49.91	SALE	12/5/00	-30,000	\$58.92	\$13.93	-\$539,659.50
BUY	10/19/99	15,000	\$49.91	SALE	12/6/00	-60,000	\$59.32	\$13.93	-\$539,659.50
BUY	10/20/99	22,500	\$50.70	SALE	1/2/02	-27,500	\$67.02	\$13.93	-\$827,192.25
				SALE	1/2/02	-27,500	\$67.02		
				SALE	1/3/02	-5,000	\$66.95		
				SALE	1/3/02	-5,000	\$66.95		
				SALE	1/4/02	-25,000	\$66.04		
				SALE	1/4/02	-25,000	\$66.04		
				SALE	1/22/02	-15,000	\$66.51		
				SALE	1/23/02	-10,000	\$66.47		
				SALE	1/24/02	-25,000	\$65.03		
				SALE	1/25/02	-5,000	\$64.47		
				SALE	1/28/02	-20,000	\$63.76		
				SALE	5/14/02	-75,000	\$54.28		
				SALE	5/21/02	-5,000	\$53.96		
				SALE	5/22/02	-5,000	\$54.02		
				SALE	5/23/02	-45,000	\$53.88		
				SALE	5/24/02	-20,000	\$53.60		
						-430,000			
						600,000			

<u>Transaction</u>	<u>Date</u>	<u>Amount</u>	<u>Price</u>	<u>Current mean trading price*</u>	<u>Loss</u>
BUY	10/20/99	22,500	\$50.70	\$13.93	-\$827,192.25
BUY	10/21/99	12,500	\$49.74	\$13.93	-\$447,581.25
BUY	10/21/99	12,500	\$49.74	\$13.93	-\$447,581.25
BUY	2/22/00	25,000	\$66.41	\$13.93	-\$1,311,962.50
BUY	2/23/00	42,500	\$66.57	\$13.93	-\$2,237,331.75
BUY	2/24/00	7,500	\$66.44	\$13.93	-\$393,804.75
BUY	6/5/01	20,000	\$61.79	\$13.93	-\$957,120.00
BUY	6/6/01	80,000	\$61.15	\$13.93	-\$3,777,144.00
BUY	6/7/01	60,000	\$60.94	\$13.93	-\$2,820,738.00
BUY	6/12/01	20,000	\$61.18	\$13.93	-\$944,956.00
BUY	6/13/01	40,000	\$61.70	\$13.93	-\$1,910,356.00
BUY	6/14/01	40,000	\$60.78	\$13.93	-\$1,873,384.00
BUY	6/19/01	20,000	\$61.48	\$13.93	-\$950,980.00
BUY	6/20/01	80,000	\$60.10	\$13.93	-\$3,693,608.00
BUY	9/4/01	30,000	\$60.30	\$13.93	-\$1,391,175.00
BUY	9/5/01	100,000	\$58.87	\$13.93	-\$4,494,300.00
BUY	9/6/01	40,000	\$59.04	\$13.93	-\$1,804,380.00
BUY	10/9/01	35,000	\$57.51	\$13.93	-\$1,525,226.50
BUY	10/10/01	30,000	\$58.12	\$13.93	-\$1,325,610.00
BUY	10/11/01	40,000	\$58.04	\$13.93	-\$1,764,296.00
BUY	10/16/01	15,000	\$59.01	\$13.93	-\$676,210.00
BUY	10/17/01	15,000	\$60.97	\$13.93	-\$705,625.50
BUY	10/18/01	15,000	\$60.72	\$13.93	-\$701,767.50
BUY	10/19/01	25,000	\$60.49	\$13.93	-\$1,164,075.00
BUY	10/23/01	10,000	\$61.95	\$13.93	-\$480,190.00
BUY	10/24/01	25,000	\$61.89	\$13.93	-\$1,198,940.00
BUY	10/25/01	15,000	\$63.57	\$13.93	-\$744,634.50
BUY	10/26/01	55,000	\$64.75	\$13.93	-\$2,795,204.50
BUY	10/29/01	30,000	\$64.06	\$13.93	-\$1,503,768.00
BUY	4/9/02	8,700	\$52.02	\$13.93	-\$331,330.80
BUY	4/9/02	1,300	\$52.07	\$13.93	-\$49,580.70
BUY	4/10/02	45,000	\$51.88	\$13.93	-\$1,707,741.00

<u>Transaction</u>	<u>Date</u>	<u>Amount</u>	<u>Price</u>	<u>Current mean trading price*</u>	<u>Loss</u>
BUY	4/11/02	25,000	\$51.36	\$13.93	-\$935,650.00
BUY	4/12/02	20,000	\$51.80	\$13.93	-\$757,280.00

Shares held at end of class period: 1,116,000 Total Loss: -\$6,558,236.00

** Mean trading price since the end of the class period is as of 11/19/02.*

Total buys: 1,116,000
 Total sales: 447,000
 net 669,000

EXHIBIT E

BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP

ATTORNEYS AT LAW

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FIRM RESUME

Visit our web site at www.blbglaw.com for the most up-to-date information on the firm, its lawyers and practice groups.

Bernstein Litowitz Berger & Grossmann LLP, a firm of over 30 attorneys in three offices located in New York, California and New Jersey, prosecutes class and private actions, nationwide, on behalf of individual and institutional clients. The firm's litigation practice concentrates in the areas of securities class actions in federal and state courts; corporate governance litigation, including claims for breach of fiduciary duty and proxy violations; antitrust; prosecuting violations of federal and state anti-discrimination laws and vindication of employee rights; and consumer class actions. We also handle, on behalf of major institutional clients and lenders, more general complex commercial litigation involving allegations of breach of contract, accountants' liability, breach of fiduciary duty, fraud and negligence.

We are the nation's leading firm in representing institutional investors in securities fraud class action litigation. The firm's institutional client base includes the New York State Common Retirement Fund, the California Public Employees Retirement System (CalPERS), and the New York City Pension Funds, the largest public pension funds in the United States, collectively managing over \$300 billion in assets; the Los Angeles County Employees' Retirement Association (LACERA); the Chicago Municipal, Police and Labor Retirement Systems; the State of Wisconsin Investment Board; the Retirement Systems of Alabama; the Connecticut Retirement Plans and Trust Funds; the City of Detroit Pension Systems; the Houston Firefighters' and Municipal Employees' Pension Funds; the Louisiana School, State, Teachers and Municipal

Police Retirement Systems; TIAA-CREF and other private institutions; as well as numerous other public and Taft-Hartley pension entities.

Since its founding in 1983, Bernstein Litowitz Berger & Grossmann LLP has litigated some of the most complex cases in history. For example, the firm was lead counsel in the celebrated *In re Washington Public Power Supply System Litigation*, which, after seven years of litigation and three months of jury trial, resulted in the then largest securities fraud settlement ever. Equally important, Bernstein Litowitz Berger & Grossmann LLP has successfully advanced novel and socially beneficial principles by developing important new law in the areas in which we litigate.

Recently, the firm served as co-lead counsel on behalf of Texaco's African-American employees in *Roberts v. Texaco Inc.*, which similarly resulted in the largest settlement ever in a race discrimination case. The creation of a Task Force to oversee Texaco's human resources activities for five years was unprecedented and will, undoubtedly, serve as a model for public companies into the next century.

The firm currently represents twelve public pension funds, including the New York State Common Retirement Fund, CalPERS, LACERA and other institutional investors, in *McCall v. Scott*, a derivative suit filed against the directors and officers of Columbia/HCA Healthcare Corporation, the subject of the largest health care fraud investigation in history.

In addition, the firm is Co-Lead Counsel in the *In re Cendant Corporation Securities Litigation*, which recently settled for more than \$3 billion in cash. This settlement is the largest ever recovered from a public company and a public accounting firm and includes the most

significant corporate governance changes ever achieved through a securities class action litigation. The firm represents Lead Plaintiffs CalPERS, the New York State Common Retirement Fund, and the New York City Pension Funds on behalf of all purchasers of Cendant securities during the class period.

The firm's recent prosecution of Arthur Andersen LLP, for Andersen's role in the 1999 collapse of the Baptist Foundation of Arizona ("BFA"), received intense national and international media attention. As lead trial counsel for the defrauded BFA investors, the firm obtained a cash settlement of \$217 million from Andersen, after six days of what was scheduled to be a three month trial. In combination with prospective BFA asset sales and a settlement with BFA's former law firm, it is expected that the over 11,000 retirees and investors will recover over 70% of their losses. The case was covered in great detail by *The Wall Street Journal*, *The New York Times*, *The Washington Post*, *60 Minutes II*, National Public Radio and the BBC as well as various other international news outlets.

We were also recently appointed Lead Counsel for the class (again representing the New York State Common Retirement Fund) in the litigation arising from the financial fraud and subsequent bankruptcy at WorldCom, Inc., now the largest securities fraud action in history.

In the consumer field, the firm has gained a nationwide reputation for vigorously protecting the rights of individuals and for achieving exceptional settlements. In several instances, the firm has obtained recoveries for consumer classes that represented the entirety of the class' losses – an extraordinary result in consumer class cases. Additionally, the firm has recently become a leader in the area of Internet privacy and is counsel in several of the seminal

cases that are being brought on behalf of Internet users whose personal information is being intercepted and sent to Web-based companies.

Our firm is dedicated to litigating with the highest level of professional competence, striving to secure the maximum possible recovery for our clients in the most efficient and professionally responsible manner. In those cases where we have served as either lead counsel or as a member of plaintiffs' executive committee, the firm has recovered billions of dollars for our clients.

THE FIRM'S PRACTICE AREAS

Securities Fraud Litigation

Securities fraud litigation is the cornerstone of the firm's class action litigation practice. Since its founding, the firm has tried and settled many high profile securities fraud class actions and continues to play a leading role in major securities litigation pending in federal and state courts. The firm has the distinction of having prosecuted one of the most complex cases in securities law history. In the *In re Washington Public Power Supply System Litigation*, commenced in 1983, the firm was appointed Chair of the Executive Committee responsible for litigating the action on behalf of the class. The action involved an estimated 200 million pages of documents produced in discovery; the depositions of 285 fact witnesses and 34 expert witnesses; more than 25,000 introduced exhibits; six published district court opinions; seven appeals or attempted appeals to the Ninth Circuit; and a three-month jury trial, which resulted in a settlement of over \$700 million - the largest securities fraud settlement ever achieved.

Moreover, since passage of the Private Securities Litigation Reform Act of 1995, which sought to encourage institutional investors to become more pro-active in securities fraud class action litigation, the firm has become the nation's leader in representing institutional investors in securities fraud and derivative litigation. As stated, the firm serves as Co-Lead Counsel in the *In re Cendant Securities Litigation*, which recently settled for over \$3 billion in cash, the largest settlement ever recovered in a securities class action.

The attorneys in the securities fraud litigation practice group have extensive experience in the laws that regulate the securities markets and in the disclosure requirements of corporations that issue publicly traded securities. Many of the attorneys in this practice group also have

accounting backgrounds and two are certified public accountants. The group has access to state-of-the-art, online financial wire services and databases, which enable them to instantaneously investigate any potential securities fraud action involving a public company's debt and equity securities.

Corporate Governance and Shareholders' Rights

The corporate governance and shareholders' rights practice group prosecutes derivative actions, claims for breach of fiduciary duty and proxy violations on behalf of individual and institutional investors in state and federal courts throughout the country. The group has prosecuted actions challenging numerous highly publicized corporate transactions which violated fair process and fair price, and the applicability of the business judgment rule. The group has also addressed issues of corporate waste, shareholder voting rights claims, and executive compensation. As a result of the firm's high profile and widely recognized capabilities, the corporate governance practice group is increasingly in demand by institutional investors who are exercising a more assertive voice with corporate boards regarding corporate governance issues and the board's accountability to shareholders. A major component of the *Cendant* settlement referenced above is Cendant's agreement to adopt the most extensive corporate governance changes in history.

Employment Discrimination and Civil Rights

The employment discrimination and civil rights practice group prosecutes class and multi plaintiff actions, and other high impact litigation against employers and other societal institutions

that violate federal or state employment, anti-discrimination and civil rights laws. The practice group represents diverse clients on a wide range of issues including Title VII actions, race, gender, sexual orientation and age discrimination suits, sexual harassment and “glass ceiling” cases in which otherwise qualified employees are passed over for promotions to managerial or executive positions.

Bernstein Litowitz Berger & Grossmann LLP is committed to effecting positive social change in the workplace and in society. The practice group has the necessary financial and human resources to ensure that the class action approach to discrimination and civil rights issues is successful. This litigation method serves to empower employees and other civil rights victims, who are usually discouraged from pursuing litigation because of personal financial limitations, and offers the potential for effecting the greatest positive change for the greatest number of people affected by discriminatory practice in the workplace. As stated, the firm’s practice group recently settled the Texaco Inc. racial discrimination lawsuit for \$176 million, the largest settlement in the history of employment discrimination cases.

Consumer Advocacy

The consumer advocacy practice group at Bernstein Litowitz Berger & Grossmann LLP prosecutes cases across the entire spectrum of consumer rights, consumer fraud and consumer protection issues. The firm represents victimized consumers in state and federal courts nationwide in individual and class action lawsuits that seek to provide consumers and purchasers of defective products with a means to recover their damages. The attorneys in this group are well versed in the vast array of laws and regulations that govern consumer interests and are

aggressive, effective, court-tested litigators. The consumer practice advocacy group has recovered hundreds of millions of dollars for millions of consumers throughout the country. Most notably, in a number of cases, the firm has obtained recoveries for the class that were the entirety of the potential damages suffered by the consumer. For example, in recent actions against MCI and Empire Blue Cross, the firm recovered all of the damages suffered by the class.

The group has achieved its successes by advancing innovative claims and theories of liabilities, such as obtaining recent decisions in Pennsylvania and Illinois appellate courts that adopted a new theory of consumer damages in mass marketing cases. Bernstein Litowitz Berger & Grossmann LLP is, thus, able to lead the way in protecting the rights of consumers. For example, the firm has recently become a recognized leader in the new area of Internet privacy, where it is prosecuting several seminal cases on behalf of Web users whose personal information has been unwittingly intercepted and sent to Internet companies in violation of federal statutes and state law.

Antitrust

The antitrust practice group prosecutes traditional price-fixing and restraint of trade cases. The group utilizes both class action litigation methods and individual representation in federal and state courts throughout the United States. The group is a growing component in the firm's class action litigation practice.

THE COURTS SPEAK

Throughout the firm's history, many courts have recognized the professional competence and diligence of the firm and its members. A few examples are set forth below.

Recently Judge Walls (District of New Jersey), in approving the \$3.2 billion *Cendant* settlement, said that the recovery from all defendants, which represents a 37% recovery to the Class, "far exceeds recovery rates of any case cited by the parties." The Court also held that the \$335 million separate recovery from E&Y is "large" when "[v]iewed in light of recoveries against accounting firms for securities damages." In granting Lead Counsel's fee request, the Court determined that "there is no other catalyst for the present settlement than the work of Lead Counsel. . . . This Court, and no other judicial officer, has maintained direct supervision over the parties from the outset of litigation to the present time. In addition to necessary motion practice, the parties regularly met with and reported to the Court every five or six weeks during this period about the status of negotiations between them. . . . [T]he Court has no reason to attribute a portion of the Cendant settlement to others' efforts; Lead Counsel were the only relevant material factors for the settlement they directly negotiated." The Court found that "[t]he quality of result, measured by the size of settlement, is very high. . . . The Cendant settlement amount alone is over three times larger than the next largest recovery achieved to date in a class action case for violations of the securities laws, and approximately ten times greater than any recovery in a class action case involving fraudulent financial statements. . . . The E&Y settlement is the largest amount ever paid by an accounting firm in a securities class action." The Court went on to observe that "the standing, experience and expertise of the counsel, the skill and professionalism with which counsel prosecuted the case and the performance and quality of opposing counsel were high in this action. Lead Counsel are experienced securities litigators who ably prosecuted

the action.” The Court concluded that this Action resulted in “excellent settlements of uncommon amount engineered by highly skilled counsel with reasonable cost to the class.”

After approving the settlement in *Alexander v. Pennzoil Company*, the Honorable Vanessa D. Gilmore of the United States District Court for the Southern District of Texas ended the settlement hearing by praising our firm for the quality of the settlement and our commitment to effectuating change in the workplace. “... the lawyers for the plaintiffs ... did a tremendous, tremendous job. ... not only in the monetary result obtained, but the substantial and very innovative programmatic relief that the plaintiffs have obtained in this case ... treating people fairly and with respect can only inure to the benefit of everybody concerned. I think all these lawyers did an outstanding job trying to make sure that that’s the kind of thing that this case left behind.”

On February 23, 2001, the United States District Court for the Northern District of California granted final approval of the \$259 million cash settlement in *In re 3Com Securities Litigation*, the largest settlement of a securities class action in the Ninth Circuit since the Private Securities Litigation Reform Act was passed in 1995, and the fourth largest recovery ever obtained in a securities class action. The district court, in an Order entered on March 9, 2001, specifically commented on the quality of counsel's efforts and the settlement, holding that "counsel's representation [of the class] was excellent, and ... the results they achieved were substantial and extraordinary." The Court described our firm as "among the most experienced and well qualified in this country in [securities fraud] litigation."

United States District Judge Todd J. Campbell of the Middle District of Tennessee heard arguments on Plaintiffs' Motion for Preliminary Injunction in *Cason v. Nissan Motor Acceptance Corporation Litigation*, the highly publicized discriminatory lending class action, on September

5, 2001. He exhibited his own brand of candor in commenting on the excellent work of counsel in this matter: "In fact, the lawyering in this case... is as good as I've seen in any case. So y'all are to be commended for that."

In approving the \$30 million settlement in the *Assisted Living Concepts, Inc. Securities Litigation*, the Honorable Ann L. Aiken of the Federal District Court in Oregon, praised the recovery and the work of counsel. She stated that, "...without a doubt...this is a...tremendous result as a result of very fine work...by the...attorneys in this case."

The Honorable Judge Edward A. Infante of the United States District Court for the Northern District of California expressed high praise for the settlement and the expertise of plaintiffs' counsel when he approved the final settlement in the *Wright v. MCI Communications Corporation* consumer class action. "The settlement. . . . is a very favorable settlement to the class. . . . to get an 85% result was extraordinary, and plaintiffs' counsel should be complimented for it on this record. . . . The recommendations of experienced counsel weigh heavily on the court. The lawyers before me are specialists in class action litigation. They're well known to me, particularly Mr. Berger, and I have confidence that if Mr. Berger and the other plaintiffs' counsel think this is a good, well-negotiated settlement, I find it is." The case was settled for \$14.5 million.

At the recent *In re Computron Software, Inc. Securities Litigation* settlement hearing, Judge Alfred J. Lechner, Jr. of the United States District Court for the District of New Jersey approved the final settlement and commended Bernstein Litowitz Berger & Grossmann's efforts on behalf of the Class. "I think the job that was done here was simply outstanding. I think all of you just did a superlative job and I'm appreciat[ive] not only for myself, but the court system and the plaintiffs themselves. The class should be very, very pleased with the way this turned out,

how expeditiously it's been moved." In *In re Computron Software, Inc. Securities Litigation* was a securities fraud class action filed on behalf of shareholders who purchased Computron common stock at inflated prices due to alleged misrepresentation about the company's financial obligation. The case settled for \$15 million dollars.

The *In re Louisiana-Pacific Corporation Securities Litigation*, filed in the United States District Court, District of Oregon, was a securities class action alleging fraud and misrepresentations in connection with the sale of defective building materials. Our firm, together with co-lead counsel, negotiated a settlement of \$65.1 million, the largest securities fraud settlement in Oregon history, which was approved by Judge Robert Jones on February 12, 1997. The Court there recognized that "... the work that is involved in this case could only be accomplished through the unique talents of plaintiffs' lawyers. . . which involved a talent that is not just simply available in the mainstream of litigators."

Judge Kimba M. Wood of the United States District Court for the Southern District of New York, who presided over the six-week securities fraud class action jury trial in *In re ICN/Viratek Securities Litigation*, also recently praised our firm for the quality of the representation afforded to the class and the skill and expertise demonstrated throughout the litigation and trial especially. The Court commented that "... plaintiffs' counsel did a superb job here on behalf of the class. . . This was a very hard fought case. You had very able, superb opponents, and they put you to your task. . . The trial work was beautifully done and I believe very efficiently done. . ."

Similarly, the Court in the *In re Prudential-Bache Energy Income Partnership Securities Litigation*, United States District Court, Eastern District of Louisiana, recognized Bernstein

Litowitz Berger & Grossmann LLP's "... professional standing among its peers." In that case, which was settled for \$120 million, our firm served as Chair of Plaintiffs' Executive Committee.

In the landmark securities fraud case, *In re Washington Public Power Supply System Litigation* (United States District Court, District of Arizona), the district court called the quality of representation "exceptional," noting that "[t]his was a case of overwhelmingly unique proportions. . . a rare and exceptional case involving extraordinary services on behalf of Class plaintiffs." The Court also observed that "[a] number of attorneys dedicated significant portions of their professional careers to this litigation, . . . champion[ing] the cause of Class members in the face of commanding and vastly outnumbering opposition. . . [and] in the face of uncertain victory. . . . [T]hey succeeded admirably."

Likewise, in *In re Electro-Catheter Securities Litigation*, where our firm served as co-lead counsel, Judge Nicholas Politan of the United States District Court for New Jersey said:

Counsel in this case are highly competent, very skilled in this very specialized area and were at all times during the course of the litigation...always well prepared, well spoken, and knew their stuff and they were a credit to their profession. They are the top of the line.

In our ongoing prosecution of the *In re Bennett Funding Group Securities Litigation*, the largest "Ponzi scheme" fraud in history, partial settlements totaling over \$140 million have been negotiated for the class. While the action continues to be prosecuted against other defendants, the United States District Court for the Southern District of New York has already found our firm to have been "extremely competent" and of "great skill" in representing the class.

Judge Sarokin of the United States District Court for the District of New Jersey, after approving the \$30 million settlement in *In re First Fidelity Bancorporation Securities Litigation*, a case in which we were lead counsel, praised the “. . . outstanding competence and performance” of the plaintiffs’ counsel and expressed “admiration” for our work in the case.

RECENT ACTIONS

Currently, Bernstein Litowitz Berger & Grossmann LLP is counsel in many diverse nationwide class and individual actions. Some examples from our practice groups include:

Securities Class Actions

- *In re Cendant Corporation Securities Litigation* -- (United States District Court, District of New Jersey) Securities fraud class action filed on behalf of a class consisting of all shareholders of HFS, Inc. who exchanged HFS common stock for shares of CUC International, Inc. pursuant to the Registration Statement dated August 28, 1997, all purchasers of CUC International, Inc. and all purchasers of Cendant Corporation securities (except Prides). Plaintiffs allege that the company disseminated materially false and misleading financial statements concerning CUC's revenues, earnings and expenses for its 1997 fiscal year. As a result of company-wide accounting irregularities, Cendant has restated its financial results for its 1995, 1996 and 1997 fiscal years and all fiscal quarters therein.
- *In re WorldCom, Inc. Securities Litigation* (United States District Court for the Southern District of New York) The largest securities fraud class action in history. The court appointed BLB&G client the New York State Common Retirement Fund as Lead Plaintiff and the firm as Lead Counsel for the class in this securities fraud action arising from the financial fraud and subsequent bankruptcy at WorldCom, Inc. The complaints in this litigation allege that WorldCom and others disseminated false and misleading statements to the investing public regarding its earnings and financial condition in violation of the federal securities and other laws. As a result, investors suffered tens of billions of dollars in losses.
- *In re McKesson HBOC, Inc.* -- (United States District Court, Northern District of California) Securities fraud litigation filed on behalf of the following: (i) who purchased or otherwise acquired publicly traded securities of HBO & Company ("HBOC") during the period from January 20, 1997 through January 12, 1999, inclusive; (ii) who purchased or otherwise acquired publicly traded securities or call options, or who sold put options, of McKesson or of McKesson HBOC, Inc. (collectively the "Company") during the period from October 18, 1998 through and including April 27, 1999; and (iii) who held McKesson common stock on November 27, 1998 and still held those shares on January 12, 1999, who were injured thereby. The complaint alleges that, during the Class Period, defendants issued materially false and misleading statements to the investing public concerning HBOC's and McKesson HBOC's financial results, which had the effect of artificially inflating the prices of HBOC's and the Company's securities. On April 28, 1999, the Company issued the first of several press releases which began to reveal the truth about the financial results and operations of HBOC and McKesson HBOC, i.e., that it had identified revenues improperly recognized during the fiscal year ended March 31, 1999, and that it was possible additional improperly recognized revenues would be

identified. On July 14, 1999, the Company announced that it was restating \$327.8 million of revenue improperly recognized in the HBOC segment of its business during the fiscal years ending March 31, 1997, 1998 and 1999.

- *Baptist Foundation of Arizona v. Arthur Andersen, LLP* -- (Superior Court of the State of Arizona in and for the County of Maricopa) Firm client, the Baptist Foundation of Arizona ("BFA") filed a lawsuit charging its former auditors, the "Big 5" accounting firm of Arthur Andersen LLP ("Arthur Andersen"), with negligence in conducting its annual audits of BFA's financial statements for a 15-year period beginning in 1984, and culminating in BFA's bankruptcy in late 1999. Investors lost hundreds of millions of dollars as a result of BFA's demise. The lawsuit alleges that Arthur Andersen ignored evidence of corruption and mismanagement by BFA's former senior management team and failed to investigate suspicious transactions related to the mismanagement. These oversights of accounting work, which were improper under generally accepted accounting principles, allowed BFA's undisclosed losses to escalate to hundreds of million of dollars, and ultimately resulted in its demise.
- *In re Lucent Technologies, Inc. Securities Litigation* -- (United States District Court for the District of New Jersey) A securities fraud class action filed on behalf of purchasers of the common stock of Lucent Technologies, Inc. from October 26, 1999 through December 21, 2000. The Plaintiffs allege that, during the Class Period, Defendants made materially false and misleading statements regarding Lucent's optical networking business and reported financial results that were false and inflated. Indeed, on December 21, 2000, Lucent announced that it had improperly recognized nearly \$700 million in revenues for fiscal year 2000 and that it had notified the SEC of these revenue recognition violations.
- *In re Conseco Securities Litigation* (United States District Court for the Southern District of Indiana) Securities fraud class action. On March 31, 2000, Conseco Inc. had announced that it would take a \$350 million charge as a result of losses on its interest-only securities. Additionally, the company announced that it would also take a substantial charge on the future sale of Conseco Finance. Conseco Finance, formerly known as Greentree, is a wholly-owned subsidiary of Conseco that was acquired in 1998 for over \$6 billion, and specializes in the consumer financing business. On April 14, 2000, Conseco restated its earnings for the first three quarters of 1999 and the second quarter of 1998. Various complaints, now consolidated, allege violations of the Securities Act of 1933 and the Exchange Act of 1934.
- *In re Bennett Funding Group Securities Litigation* -- (United States District Court, Southern District of New York). Investor class action involving the sale of \$570 million in fraudulent investments, described as the largest "Ponzi" scheme in United States history. The action is presently being prosecuted against over fifty defendants including Bennett's former auditors, insurers and broker-dealers who sold Bennett investment. The class includes all purchasers of Bennett securities from March 29, 1992 through March, 29, 1996.

- *In re 3Com Securities Litigation* -- (United States District Court, Northern District of California). Class action on behalf of purchasers of 3Com common stock during the period May 19, 1997 through November 6, 1997, alleging that defendants knowingly and recklessly caused 3Com to issue materially false and misleading statements to the financial community regarding the company's products, inventory and distribution. The complaint further alleges insider trading on these publicly disseminated materially false and misleading statements.

Corporate Governance and Shareholders' Rights

- *McCall v. Scott* -- (United States District Court, Middle District of Tennessee). A derivative action filed on behalf of Columbia/HCA Healthcare Corporation against certain current and former members of the Board of Directors and former senior executives of the Company seeking to hold them responsible for subjecting Columbia/HCA to the largest health care fraud investigation in history, extensive nationwide litigation and exposing Columbia to massive fines and penalties.
- *Rainforest Cafe Shareholder Rights Proceeding* (Minnesota District Court, Hennepin County) Bernstein Litowitz Berger & Grossmann LLP, on behalf of the State of Wisconsin Investment Board, Central Florida Investments and over 70 individuals, has initiated a proceeding seeking the payment of fair value for their shares in Rainforest Café, Inc. These shareholders who held approximately 4.3 million shares (nearly 20% of the voting shares) of Rainforest, opposed the December 1, 2000, takeover of Rainforest by Landry's Seafood Restaurants on the grounds that the \$3.25 per share buyout offer accepted by the Rainforest Board of Directors was inadequate based on the financial condition and prospects of Rainforest. These investors are now demanding additional compensation for the fair value of their shares pursuant to Minnesota law.

Employment Discrimination and Civil Rights

- *Roberts v. Texaco, Inc.* (United States District Court for the Southern District of New York) Six highly qualified African-American employees filed a class action complaint against Texaco Inc. alleging that the Company failed to promote African-American employees to upper level jobs and failed to compensate them fairly in relation to caucasian employees in similar positions. Two years of intensive investigation on the part of the lawyers of Bernstein Litowitz Berger & Grossmann LLP, including retaining the services of high level expert statistical analysts, revealed that African-Americans were significantly under-represented in high level management jobs and caucasian employees were promoted more frequently and at far higher rates for comparable positions within the Company.

- *Saks v. Franklin Covey Company* -- (United States District Court, Southern District of New York) Charge of Discrimination filed with the EEOC alleging that Franklin Covey discriminated against Ms. Saks on the basis of sex, pregnancy and disability by maintaining a self-insured health benefits plan that excludes virtually all medically necessary treatments for women suffering from the illness of infertility.
- *GMAC/NMAC/Ford/Toyota/Chrysler Consumer Finance Discrimination Litigation* The cases involve allegations that the lending practices of General Motors Acceptance Corporation, Nissan Motors Acceptance Corporation, Ford Motor Credit, Toyota Motor Credit and Chrysler Financial cause African-Americans to pay millions of dollars more for car loans than similarly situated white buyers. At issue is a discriminatory kickback system under which blacks typically pay about 50% more in dealer mark-up which is shared by auto dealers with the defendants.
- *Rapier v. Ford Motor Company* -- (United States District Court, Northern District of Illinois) An action filed by women who work at either the Chicago Ford Assembly Plant or the Chicago Ford Stamping Plant charging supervisors at every level of management at the two Ford Motor Company plants with condoning and perpetuating sexually harassing work environments.
- *Alexander v. Pennzoil Company* -- (United States District Court, Southern District of Texas) A class action on behalf of all salaried African-American employees at Pennzoil alleging race discrimination in the Company's promotion, compensation and other job related practices.
- *Kaminski v. First Union Corporation* (United States District Court for the Eastern District of Pennsylvania) Bernstein Litowitz Berger & Grossmann LLP has joined, as Co-Lead Counsel, the prosecution of this age discrimination class action against First Union Corporation pending in the United States District Court for the Eastern District of Pennsylvania. Approximately 200 former employees of CoreStates Financial Corporation (which was acquired by First Union in 1998), a bank holding company doing business primarily in Pennsylvania, have accused CoreStates of involuntarily terminating them in 1995 as part of what CoreStates referred to as its "BEST" program. They claim that in terminating over 800 employees as part of BEST, CoreStates discriminated against them based on their age (age 40 and over) in violation of the Age Discrimination in Employment Act.

Consumer Class Actions

- *E*Trade Group, Inc.* -- (Superior Court of California, Santa Clara County) A class action filed on behalf of all individuals who have or had accounts with E*Trade from September

1996 to the present. The complaint alleges that E*Trade's representations to customers regarding the manner in which their accounts would be handled were false and misleading; that the electronic trading systems were inadequate to meet customer demands; and that, as a result of these misrepresentations, customers suffered significant losses and have been deprived of the benefits which E*Trade had represented they would receive.

- *General Motors Corporation* -- (Superior Court of New Jersey Law Division, Bergen County) A class action consisting of all persons who owned W-body cars with defective rear disc brake caliper pins which tended to corrode, creating both a safety hazard and premature wearing of the front and rear disc brakes, causing extensive economic damage. BLB&G is co-lead counsel in this case where a proposed settlement would provide \$19.5 million to the class for reimbursement of brake repairs.
- *Rent-A-Center* -- (Supreme Court of the State of New York, Bronx County) Deceptive sales and marketing in "rent-to-own" transactions. In this case, BLB&G recently obtained a landmark ruling upholding a rental-purchasers' right to bring suit.
- *Empire Blue Cross* -- (United States District Court, Southern District of New York) Overcharging health care subscribers. BLB&G was lead counsel in a recently approved \$6.6 million settlement that represented 130% of the class' damages and offered all the overcharged subscribers 100 cents on the dollar repayment.
- *RealNetworks* -- (MDL - 1329) Internet Privacy. A class action by RealJukebox customers alleging violations of their customers privacy rights by RealNetworks surreptitiously having its RealJukebox software send back to RealNetworks personally identifiable information about its customers' listening habits.
- *DoubleClick* -- (United States District Court, Southern District of New York). Internet Privacy. A class action on behalf of Internet users who have had personal information surreptitiously intercepted and sent to a major Internet advertising agency.
- *AIG (American International Group)* -- A class action in New York state court on behalf of insureds alleging that AIG had repair shops use inferior after-market parts in repairs of its insureds' cars.
- *DuraLube and Prolong*. Class actions against companies that sold engine treatment products that failed to provide promised extended engine life. BLB&G was lead counsel in a similar case that recently settled for \$20,000,000 payable to the class in cash rebates.

Antitrust

- *In re Flat Glass Antitrust Litigation* (United States District Court for the District of Minnesota) Antitrust class action brought against major glass manufacturers on behalf of direct purchasers of "flat glass". Plaintiffs allege that they paid artificially inflated prices due to Defendants' conspiracy to raise, fix or maintain the price of flat glass sold in the United States.
- *In re High Pressure Laminates Antitrust Litigation*, (United States District Court for the Southern District of New York) Antitrust class action on behalf of direct purchasers of high pressure laminates. Plaintiffs allege that they paid artificially inflated prices due to Defendants' conspiracy to raise, fix or maintain the price of the laminates.

Toxic/Mass Torts

- *Rezulin Litigation (v. Warner Lambert Company, et al.)* (United States District Court for the District of New Jersey) BLB&G is one of the leading law firms in prosecuting cases arising out of Warner-Lambert Company's withdrawal of rezulin, a drug that lowered blood glucose levels, from the market. The firm has filed class action lawsuits Warner-Lambert charging that the Company used false and deceptive advertising and influence-peddling in selling and marketing the drug - which has been linked to severe liver damage and, even, death. On March 21, 2000, at the request of the FDA, Warner-Lambert withdrew the drug from the U.S. market.

The allegations in the various complaints in which the firm is involved are that Warner-Lambert knowingly concealed material facts about the safety and efficacy of Rezulin from the FDA. It is further alleged that the Company engaged in deceptive and misleading practices, including withholding information from consumers and physicians about the adverse event reports confirming severe liver damage and the numerous deaths associated with the drug. The Complaints also allege that Warner-Lambert continued to aggressively publicize Rezulin as having side effects comparable to a placebo in all media even though the Company's own clinical trial data which had been submitted to the FDA as part of the New Drug Application indicated that patients in clinical trials developed liver problems four times as often as the controls who had received a placebo. It is further alleged in the Complaint that the Company withheld information from consumers and their doctors to ensure the continued success of what had become a billion dollar blockbuster drug. Sales of Rezulin to approximately 2 million diabetics generated revenues estimated at over \$1.8 billion.

- *Fen/Phen Litigation* -- Class action lawsuits alleging that a number of pharmaceutical companies produced drugs which, when used in combination, can lead to life-threatening pulmonary hypertension and heart valve thickening. The complaint alleges that these manufacturers knew or should have known of the serious health risks created by the drugs and should have warned users of these risks. It is also alleged that the manufacturers knew that the fen/phen combination was not approved by the FDA, had not been adequately studied, and yet, was being routinely prescribed by physicians. BLB&G has been Liaison Counsel in the New York State cases, where it obtained certification of a medical monitoring class in the first New York State court decision to recognize medical monitoring, and is the designated New York State Class Counsel to the proposed multi-billion dollar American Home Products settlement in federal court.

CLIENTS AND FEES

Most of the firm's clients are referred by other clients, law firms and lawyers, bankers, investors and accountants. A considerable number of clients have been referred to the firm by former adversaries. We have always maintained a high level of independence and discretion in the cases we decide to prosecute. As a result, the level of personal satisfaction and commitment to our work is high.

As stated, our client roster includes many large and well known financial and lending institutions and pension funds, as well as privately held corporate entities which are attracted to our firm because of our reputation, particular expertise and fee structure.

We are firm believers in the contingency fee as a socially useful, productive and satisfying basis of compensation for legal services, particularly in litigation. Wherever appropriate, even with our corporate clients, we will encourage a retention where our fee is at least partially contingent on the outcome of the litigation. This way, it is not the number of hours worked that will determine our fee but, rather, the result achieved for our client.

IN THE PUBLIC INTEREST

Bernstein Litowitz Berger & Grossmann LLP is guided by two principles: excellence in legal work and a belief that the law should serve a socially useful and dynamic purpose. Attorneys at the firm are active in academic, community and pro bono activities, as well as participating as speakers and contributors to professional organizations. In addition, the firm endows a public interest law fellowship and sponsors an academic scholarship at Columbia Law School.

- **The Bernstein Litowitz Berger & Grossmann Public Interest Law Fellowship**, Columbia Law School. Bernstein Litowitz Berger & Grossmann LLP is committed to fighting discrimination and effecting positive social change. In support of this commitment, the firm donated funds to Columbia Law School to create the Bernstein Litowitz Berger & Grossmann Public Interest Law Fellowship. This newly endowed fund at Columbia Law School will provide two or three Fellows with 100% of the funding needed to make payments on their law school tuition loans so long as such graduates remain in the public interest law field. The Bernstein Litowitz Berger & Grossmann Fellows will be able to leave law school free of any law school debt if they make a long term commitment to public interest law.
- **The Paul M. Bernstein Memorial Scholarship**, Columbia Law School. Paul M. Bernstein was the founding senior partner of the firm of Bernstein Litowitz Berger & Grossmann LLP. Mr. Bernstein led a distinguished career as a lawyer and teacher and was deeply committed to the professional and personal development of young lawyers. The Paul M. Bernstein Memorial Scholarship Fund is a gift of the firm of Bernstein Litowitz Berger & Grossmann LLP, and the family and friends of Paul M. Bernstein. Established in 1990, the scholarship is awarded annually to one or more second-year students selected for their academic excellence in their first year, professional responsibility, financial need and contributions to fellow students and the community.

THE MEMBERS OF THE FIRM

MAX W. BERGER, a founding partner of the firm, supervises the firm's litigation practice. Mr. Berger prosecutes class and individual actions in all areas of the firm's practice. He is also responsible for negotiating, on behalf of shareholders, consumers and institutional clients, some of the firm's most successful and highly praised litigations.

Although Mr. Berger is an active, practicing attorney, he serves as a member of Columbia Law School's Dean's Council and Board of Visitors, the senior alumni advisory groups to the law school and co-chairs the Board's Education of Lawyers Committee. Mr. Berger also has taught Profession of Law, an ethics course at Columbia Law School.

Mr. Berger is past chairman of the Commercial Litigation Section of the Association of Trial Lawyers of America and lectures before the Practising Law Institute, the American Bar Association and the Federal Judicial Center, as well as other professional associations.

In 1997, Mr. Berger was honored for his outstanding contribution to the public interest by Trial Lawyers For Public Justice, where he was a Trial Lawyer of the Year Finalist for his work in *Roberts v. Texaco*.

Mr. Berger received an accounting degree from City College of New York in 1968. At City College, he was President of the student body, a member of the national honor accounting society and won numerous awards.

Mr. Berger received his J.D. from Columbia Law School in 1971, where he was an editor of the Columbia Survey of Human Rights Law.

ADMISSIONS: Admitted to bar, 1972, New York. 1973, U.S. District Court, Southern District of New York. 1973, U.S. Court of Appeals, Second Circuit. 1975, U.S. District Court, Eastern District of New York. 1992, U.S. District Court, District of Arizona

EDWARD A. GROSSMANN, one of the firm's founding partners, graduated *cum laude* from the University of Wisconsin in 1970 and the University of Michigan School of Law in 1973. Mr. Grossmann served as lead counsel in the *Prudential-Bache Energy Income Limited Partnership* and the *Bennett Funding Group* class actions, well-publicized cases which have each settled for in excess of \$120 million. He is a past chairman of the Class and Derivative Action Trials Subcommittee of the Litigation Section of the American Bar Association as well as the Commercial Litigation section of the Association of Trial Lawyers of America, an organization for which he has lectured. Mr. Grossmann is a member of the Committee of Visitors of the University of Michigan Law School. He is a past President of the JCC on the Palisades and is currently the Treasurer of the UJA Federation of Bergen County.

ADMISSIONS: Admitted to bar, 1974, New York. 1974, U.S. District Court, Southern and Eastern Districts of New York. 1975, U.S. Court of Appeals, Second Circuit. 1990, U.S. Court of Appeals, Third Circuit. 1991, U.S. Court of Appeals, Ninth Circuit. 1993, U.S. Court of Appeals, Fifth Circuit. 1996, U.S. Court of Appeals, Eleventh Circuit.

DANIEL L. BERGER, graduated from Haverford College in 1976 and Columbia Law School in 1979, where he was a Harlan Fiske Stone Scholar. Mr. Berger served as an Assistant Attorney General of the State of New York, Civil Rights Division, from 1979 through 1983, where he was active in prosecuting many important civil rights cases, including *State of New York v. OFCCP*, a suit to compel the OFCCP to enforce affirmative action goals and timetables in the construction industry in New York.

Mr. Berger is the partner principally responsible for the firm's New York based securities practice group and acted as co-lead counsel on behalf of African-American employees in the *Texaco* discrimination suit. In addition to many of the firm's more high profile cases, Mr. Berger acted as lead trial attorney in the *ICN/Viratek Pharmaceuticals* and *Datapoint* litigations and was lead counsel in the *Storage Technology*, *Comptronix* and *Bolar* class actions. Mr. Berger is currently a member of the faculty of the Practising Law Institute where he regularly lectures and writes on accountant's liability and securities class actions, and a member of the National Employment Lawyers' Association, for whom he lectures on employment litigation. He is a member of the Board of In Motion, an organization that provides *pro bono* legal services to indigent women. He also serves on the Board of Managers of Haverford College, Haverford, PA, and the Board of Visitors of Columbia Law School and has taught Profession of Law at Columbia and Securities Litigation at the University of California at Berkeley, Boalt Hall School of Law.

ADMISSIONS: Admitted to bar, 1980, New York. 1980, U.S. District Court, Southern District of New York. 1983, U.S. Court of Appeals, Second Circuit. 1989, U.S. Court of Appeals, Fifth Circuit. 1991, U.S. Court of Appeals, Ninth Circuit. 1992, U.S. District Court, Eastern District of New York. 1999, U.S. Court of Appeals, Sixth Circuit. 2001, U.S. Court of Appeals, Seventh Circuit.

ALAN SCHULMAN is the partner in charge of the firm's West Coast office in San Diego. He specializes in complex class action litigation and has been practicing in that field for more than 20 years. Mr. Schulman received his B.A. from New York University in 1971 and his J.D. from Louisiana State University School of Law in 1974, where he was Order of the Coif and Editor of the *Law Review*.

Mr. Schulman was the co-chair of the Securities Law Committee of the American Bar Association's Litigation Section (1998-2001) and served as President (2001) and as a member of the Board of Governors of the Association of Business Trial Lawyers of San Diego (1995-2001). He was co-chair of the Southern District of California Lawyer Representatives to the Ninth Circuit Judicial Conference (2000-2001) and currently serves on the Ninth Circuit Judicial Conference Executive Committee.

Mr. Schulman has served as lead counsel in some of the largest and most significant securities class actions litigated over the past 20 years, including the largest recoveries in Ninth Circuit history. Media reports have referred to him as among "the most influential" west coast plaintiffs' securities litigators (*The Recorder/Cal Law*, January 3, 2000) and as a "heavy hitter nationally who is on everyone's short list of top securities lawyers" (*New York Law Journal*, January 4, 2000).

Mr. Schulman is Adjunct Professor of Law at the University of San Diego School of Law where he teaches Complex Litigation.

ADMISSIONS: Admitted to bar, 1974, Louisiana and Texas. 1982, Washington. 1986, California. 1995, United States Supreme Court; U. S. Court of Appeals: 1981, Fifth, and Eleventh Circuits; 1982, Ninth Circuit; U.S. District Courts: 1987, Southern District of California; 1989, Northern and Central Districts of California.

DOUGLAS M. MCKEIGE, received a B.A., *cum laude*, in Economics from Tufts University in 1979 and a J.D., *magna cum laude*, from Tulane University in 1986, where he was Order of the Coif. He was also Articles Editor of the *Tulane Law Review* and the author of "Inequality in Louisiana Public School Finance: Should Educational Quality Depend on a Student's School District Residency?" and "Federal Rule of Evidence 407: Can it Override Conflicting State Law?"

Mr. McKeige primarily prosecutes securities fraud class actions on behalf of the firm. He has successfully prosecuted many significant federal securities class actions including the *In re 3Com Securities Litigation*, recently settled for \$259 million, the largest settlement of a securities fraud class action in the history of the Ninth Circuit.

Mr. McKeige is a popular speaker and lecturer and is a member of the National Association of Public Pension Attorneys, the Society of Pension Professionals, the National Association of State Retirement Administrators and the National Council on Teacher Retirement.

ADMISSIONS: Admitted to bar, 1987, New York. 1988, U.S. District Courts, Southern and Eastern Districts of New York.

JEFFREY A. KLAFTER joined the firm in 1983. Mr. Klafter graduated from Syracuse University in 1975 with a B.A. in Mathematics and a B.S. in Electrical and Computer Engineering. He received his J.D. from Rutgers University School of Law in 1979 where he was Associate Editor of the *Rutgers Camden Law Journal* and author of "Berkey Photo, Inc. v. Eastman Kodak Co: The Predisclosure Requirements - A New Remedy For Predatory Marketing of Product Innovations."

Mr. Klafter's practice is in securities class action, corporate governance and antitrust litigation. Early in his career with the firm, together with founding partner Paul Bernstein, he was one of the principal lawyers coordinating the prosecution of the celebrated *WPPSS* litigation. Mr. Klafter continues to serve as lead counsel in many of the firm's high profile litigations, including the *DaimlerChrysler*, *SmarTalk*, *Independent Energy*, and *Fleming* securities fraud class actions, among others.

Prior to joining the firm, Mr. Klafter was an attorney with the United States Department of Justice-Antitrust Division. He is a member of the Class Actions and Derivative Suits Committee of the Litigation Section of the American Bar Association and a past member of the Committee on Securities Regulation of the Association of the Bar of the City of New York. He is also a member of the Executive Committee and a former officer of the National Association of Securities and Commercial Law Attorneys and a member of the Faculty of the Practicing Law Institute.

In addition to practicing law, Mr. Klafter is an author and lecturer on securities litigation issues. He has made presentations before the Practicing Law Institute, the Association of the Bar of the City of New York, chapters of the American Corporate Counsel Association, Fulcrum Information Services, Inc. and the Center for Strategic & International Studies.

ADMISSIONS: Admitted to bar, 1980, New York. 1980, U.S. District Court, Southern District of New York. 1988, U.S. Court of Appeals, Second Circuit. 1996, U.S. District Court, Eastern District of Michigan. 1992, U.S. Supreme Court

JOHN P. ("SEAN") COFFEY is a graduate of the United States Naval Academy, receiving a B.S. in Ocean Engineering, with *merit*, in 1978. He received his J.D., *magna cum laude*, from Georgetown University Law Center in 1987, where he was Articles Editor of the *Georgetown Law Journal*, a member of the Order of the Coif, and recipient of the Charles A. Keigwin Award for academic excellence.

Before graduating law school, Mr. Coffey was a Commissioned Officer in the United States Navy where he served as a Naval Flight Officer, an Intern in the Organization for the Joint Chiefs of Staff and the personal military aide to then Vice President George H.W. Bush. A former P-3C Orion patrol plane mission commander, he continues to serve in the Naval Reserves, where he has commanded a P-3C squadron and the Naval Reserve component of the Enterprise carrier battle group staff. He currently holds the rank of Captain and is assigned to the Office of the Secretary of Defense at the Pentagon.

Mr. Coffey served as an Assistant United States Attorney for the Southern District of New York from 1991 to 1995, where he conducted numerous complex fraud investigations and tried many cases to verdict.

Mr. Coffey was the lead trial attorney in *BFA Liquidation Trust v. Arthur Andersen LLP*, an audit malpractice case arising from the 1999 collapse of the Baptist Foundation of Arizona, the largest non-profit bankruptcy in U.S. history. The case, which was closely covered by *The Wall Street Journal*, *New York Times*, *Washington Post*, *60 Minutes II* and the *British Broadcasting System*, settled on May 6, 2002 when, six days into what was scheduled to be a three month trial, Andersen agreed to pay \$217 million to the plaintiff investors.

Prior to joining Bernstein Litowitz Berger & Grossmann LLP, Mr. Coffey was a partner in the litigation department of Latham & Watkins. He was also an Adjunct Professor of Law at Fordham University, where he taught a seminar on criminal law, and is a recipient of the Thurgood Marshall Award, from the Association of the Bar of the City of New York, for his extensive work in the death penalty area.

ADMISSIONS: Admitted to bar, 1988, New York. 1989, U.S. District Court, Southern District of New York. 1992, U.S. Court of Appeals, Second Circuit. 1995, U.S. District Court, Western District of New York. 1998, U.S. District Court, Eastern District of New York. 1999, New Jersey.

SETH RICHARD LESSER, received a B.A., *summa cum laude*, from Princeton University in 1983, where he was Phi Beta Kappa; a Ph.D. from Oxford University in Modern History in 1985, where he was a Marshall Scholar; and a J.D., *magna cum laude*, from Harvard Law School in 1988. At Harvard, he was an Editor of the *Harvard Environmental Law Review* and an Editor of the *Harvard International Law Journal*. He is the author of "Arbitrability of Antitrust Claims in International Tribunals."

Mr. Lesser is the partner principally responsible for the firm's consumer fraud and environmental practices. He is a past chair of the American Bar Association's Environmental Litigation Subcommittee of the Business and Corporate Litigation Committee of the Business Law Section. He is also a member of the ABA's Consumer and Personal Rights Committee and the Federal Courts Committee of the New York City Bar Association. From 1998 through 2000, Mr. Lesser was the representative of the American Council on Consumer Interests to the United Nations. He has written a number of articles on consumer and environmental law issues for publications of the American Bar Association and the *New York Law Journal* and has chaired programs before the American Bar Association and business groups on consumer, environmental and corporate litigation issues. He has also spoken on consumer law, pharmaceutical mass toxic torts and internet privacy issues before a number of professional groups including the Practicing Law Institute and Mealey's Publications.

ADMISSIONS: Admitted to Bar, 1988, New Jersey. 1988, U.S. District Court, District of New Jersey. 1989, New York. 1989, U.S. District Court, Eastern District of New York. 1989, Southern District of New York. 1990, District of Columbia. 1994 U.S. Court of Appeals, District of Columbia. 1997, U.S. Court of Appeals, Ninth Circuit. 1997, U.S. Court of Appeals, Tenth Circuit. 1998, U.S. Supreme Court. 1998, U.S. Court of Appeals, Second Circuit.

ROBERT S. GANS, received an A.B., *cum laude* in Government, from Dartmouth College in 1987 and a J.D. from New York University School of Law in 1990, where he was a member of the Order of the Barristers, an editor of the Moot Court Board, and a recipient of the Securities Regulation Award.

Mr. Gans primarily focuses in the areas of securities fraud, accountants' liability and corporate governance, and he has successfully prosecuted many of the firm's significant cases. In January 2000, Mr. Gans left New York after seven years to join Alan Schulman in opening the firm's San Diego office.

Mr. Gans frequently lectures to groups concerning shareholder rights, and has authored several articles on this subject as well.

He is a member of The Association of the Bar of the City of New York, the New York State Bar Association and the American Bar Association. Mr. Gans is currently Co-Chair of the Rule 23 Subcommittee of the ABA Litigation Section's Class Actions and Derivative Suits Committee.

ADMISSIONS: Admitted to the bar, 1991, New York. 1992, U.S. District Courts, Southern and Eastern Districts of New York. 2001, California.

DARNLEY D. STEWART, graduated from Princeton University in 1984 and received her J.D. from Northeastern University School of Law in 1990. She served as law clerk to the Hon. R. Ammi Cutter and the Hon. Mel Greenberg of the Massachusetts Court of Appeals from 1990 to 1991.

Ms. Stewart, along with senior partner Daniel L. Berger, is the partner principally responsible for the firm's employment discrimination and employee rights practice group. She has acted as co-lead counsel in many of the firm's high profile discrimination cases, including *Rapier, et al. v. Ford Motor Company, Inc.*, which resulted in one of the largest sexual harassment class action settlements in history.

Ms. Stewart is a member of the Title VII Committee of the National Employment Lawyers Association, and the Individual Rights and Responsibilities Committee of the New York State Bar Association. In addition, she serves as Plaintiffs' Co-Chair of the Class Action

Subcommittee of the American Bar Association's Employment Rights and Responsibilities Committee. Ms. Stewart regularly lectures and writes on employment class action litigation.

ADMISSIONS: Admitted to the bar, 1990, Massachusetts. 1993, New York. 1993, U.S. District Court, Southern District of New York. 1998, U.S. District Court, Western District of Michigan. 2000, U.S. Court of Appeals, Sixth Circuit. 2001, U.S. Court of Appeals, Second Circuit. 2001, U.S. Court of Appeals, Third Circuit.

STEVEN B. SINGER specializes in securities fraud and employee discrimination litigation. Mr. Singer received his B.A., *cum laude*, from Duke University in 1988 and his J.D. from Northwestern University in 1991. He has worked on a number of high profile cases for the firm, including the *In re 3Com Securities Litigation*, which resulted in the largest securities fraud class action settlement in Ninth Circuit history, and the celebrated *Texaco* discrimination litigation. His work on that case led to his nomination in 1997 for "Trial Lawyer of the Year" by the Trial Lawyers for Public Justice. Mr. Singer is a member of the New York State and American Bar Associations.

ADMISSIONS: Admitted to the bar, 1992, New York. 1992, U.S. District Courts, Eastern and Southern Districts of New York.

OF COUNSEL

J. ERIK SANDSTEDT, Of Counsel to the firm, is the former Deputy Chief of Staff of the Criminal Division of the United States Department of Justice. He received his B.A. from the University of North Carolina and his J.D. from Columbia University School of Law, where he was a Harlan Fiske Stone Scholar and an Editor of the *Columbia Journal of Law and Social Problems*.

At the Department of Justice, Mr. Sandstedt was a political deputy to the Assistant Attorney General in charge of the Criminal Division, and he was responsible for the development and implementation of criminal justice policy, overseeing major prosecutions and legislative initiatives and managing the day-to-day affairs of the Division. Before accepting that appointment, he was an Assistant United States Attorney in the Criminal and Special Prosecutions Divisions of the United States Attorney's Office for the District of New Jersey. There, he conducted numerous complex fraud and corruption investigations and tried many cases to verdict.

Mr. Sandstedt began his legal career as a litigation associate at Latham & Watkins, where he was primarily involved with corporate investigations and the defense of securities fraud and

white collar criminal cases. He won numerous awards and commendations as a federal prosecutor. In addition, he was an Associate of the Edward Bennett Williams American Inn of Court and an Adjunct Professor at Seton Hall University School of Law.

Currently, Mr. Sandstedt is prosecuting *In re McKesson HBOC, Inc Securities Litigation*, the *In re Lucent Securities Litigation*, the *Bristol Myers Securities Litigation*, and the *Suprema Specialties Securities Litigation*, among other significant cases collectively involving billions of dollars of investor losses, on behalf of the firm's clients.

ADMISSIONS: Admitted to bar, 1995, New Jersey and U.S. District Court for the District of New Jersey. 1996, New York and U.S. District Courts for the Southern and Eastern Districts of New York. 1998, U.S. Court of Appeals, Third Circuit.

G. ANTHONY GELDERMAN, III has a general civil law practice in Louisiana. Mr. Gelderman's Of Counsel relationship with Bernstein Litowitz Berger and Grossmann LLP focuses in the areas of legislative counseling and pension law.

Mr. Gelderman served as Chief of Staff and General Counsel to the Treasurer of the State of Louisiana, (1992 - 1996) and prior to that served as General Counsel to the Louisiana Department of the Treasury. Mr. Gelderman also coordinated all legislative matters for the State Treasurer during his tenure with the Treasury Department. Earlier in Mr. Gelderman's legal career, he served as law clerk to U.S. District Judge Charles Schwartz, Jr., Eastern District of Louisiana (1986 - 1987).

Mr. Gelderman is an adjunct professor of law at the Tulane Law School where he teaches a course in legislative process. He is a member of the Louisiana State (Chairman, Young Lawyers Continuing Legal Education Committee, 1990-1993) and American Bar Associations. In 1995, Mr. Gelderman was profiled by the American Bar Association in *Barrister* magazine as one of the 25 young lawyers in America making a difference in the legal profession.

ADMISSIONS: Admitted to bar, 1986, Louisiana. 1997, U.S. District Courts for the Eastern District and Middle District of Louisiana.

DEBORAH STURMAN received a *Prix d'Excellence* from the Royal Brussels Conservatory and a J.D. from the University of California at Los Angeles School of Law.

Ms. Sturman conceived of and filed the first suits in United States courts on behalf of Holocaust-era slave labor victims, leading to recoveries of approximately \$7 billion. She has been profiled in both the *Wall Street Journal* and *Financial Times* for her innovative lawyering, regularly appears as a legal commentator for German, Dutch and Belgian television, and on numerous international and national Continuing Legal Education panels for complex and international litigation. She has also written articles for, among others, the *Wall Street Journal* and the German *Handelsblatt*, concerning commercial and international litigation and law.

Ms. Sturman is a member of the California Holocaust Era Insurance Oversight Committee to which she was appointed by California Governor Gray Davis in 2000. She is also

Special Liaison Counsel in *In re Holocaust Victim Assets Litigation*, having been appointed by the Honorable Edward Korman in 2001. In 2000, Ms. Sturman was a runner-up for National Law Journal Lawyer of the Year.

Since the early 1990's, Ms. Sturman has represented Holocaust survivors and their heirs seeking restitution of real property in the former East Germany "Aryanized" during World War II, and assisted European investors in connection with their United States investments. She has also helped structure corporate and real estate investments in the former East Germany and the United States for European and American investment groups. Ms. Sturman is fluent in German and Dutch/Flemish and conversant in French and Italian.

ADMISSIONS: Admitted to bar, 1995, California. 1995, Supreme Court of the State of California. 1999, Federal Circuit Court of Appeals and U.S. District Court for the District of Columbia. Admitted to bar, 2000, New York. 2000, U.S. District Courts for the Southern and Eastern Districts of New York. 2000, U.S. Court of Appeals, Second Circuit.

RONALD LITOWITZ, a founding partner of the firm, has practiced in the areas of securities fraud and derivative litigation.

Mr. Litowitz received his bachelor's degree from Williams College in 1961 and his J.D. from New York University (LL.B.) in 1964 where he was a John Norton Pomeroy Scholar. Mr. Litowitz was also the Editor of the Annual Survey of American Law from 1963-1964.

ADMISSIONS: Admitted to bar, 1965, New Jersey and U.S. District Court, District of New Jersey. 1967, New York, U.S. District Court for the Southern and Eastern Districts of New York and U.S. Court of Appeals, Second, Sixth and Ninth Circuits. 1986, U.S. Supreme Court.

SENIOR COUNSEL

ROCHELLE FEDER HANSEN, Senior Counsel to the firm, received her B.A. from Brooklyn College of the City University of New York in 1966 and her M.S. in 1976. She received her J.D., *magna cum laude*, from Benjamin N. Cardozo School of Law in 1979, where she was a member of the *Law Review*. Ms. Hansen was the principal associate on a number of high profile securities fraud cases at the firm, including *StorageTechnology*, *First Republic*, and the *RJR Nabisco Litigation*. She has also acted as Antitrust Program Coordinator for Columbia Law School's Continuing Legal Education Trial Practice Program for Lawyers. She is a member of the bar of the State of New York (1980), the U.S. District Courts for the Southern (1980) and Eastern (1980) Districts of New York, and the U.S. Court of Appeals, Fifth Circuit (1993) as well as the Northern District of New York (1996).

THE ASSOCIATES OF THE FIRM

JAVIER BLEICHMAR received his bachelor's degree in 1992 from the University of Pennsylvania, and received his J.D. from Columbia Law School in 1998, where he was a Harlan Fiske Stone Scholar and Managing Editor of the *Journal of Law and Social Problems*. Mr. Bleichmar is the author of "Deportation as Punishment: A Historical Analysis of the British Practice of Banishment and Its Impact on Modern Constitutional Law," published in the Fall 1999 volume of the *Georgetown Immigration Law Journal*. He has actively participated in the Immigrants' Rights Project sponsored by the New York State Defenders' Association. Mr. Bleichmar is a member of the bar of the State of New York (1999) as well as the United States District Courts for the Southern and Eastern Districts of New York (1999).

TIMOTHY A. DeLANGE received his B.A. from the University of California, Riverside in 1994 and his J.D. from the University of San Diego School of Law in 1997. He was the recipient of the American Jurisprudence award in Contracts, 1994. He practices out of the firm's California office. Mr. DeLange is admitted to bar of the State of California (1997), the U.S. District Court for the Southern District of California (1997) and the U.S. District Court for the Central District of California (2001).

JENNIFER L. EDLIND received her B.A., magna cum laude, from Cedarville University in 1995 where she was selected by the faculty as Student of the Year and was the recipient of the President's Trophy for leadership and scholarship. She received her J.D. from Brooklyn Law School in 1999 where she was Production Editor of the Brooklyn Law Review and a member of the Moot Court Honor Society. After law school, Ms. Edlind worked as a litigation associate at Robinson Silverman Pearce Aronsohn & Berman LLP in New York. Immediately prior to joining the firm, she clerked for the Honorable Richard M. Berman, United States District Judge for the Southern District of New York. She is a member of the Federal Bar Council Inn of Court. Together with firm partners Max Berger, Sean Coffey and Steven Singer, Ms. Edlind is currently on the team responsible for prosecuting the Worldcom Securities Litigation. She is admitted to the bar of the State of New York (2000) and the U. S. District Courts for the Eastern and Southern Districts of New York (2000).

JOSEPH A. FONTI received his B.A. from New York University College of Arts and Science, cum laude, in 1996. He received his J.D. from New York University School of Law in 1999 where he was active in Marden Moot Court Competition and a Student Senator-at-Large of the NYU Senate. Prior to joining the firm, Mr. Fonti represented defendants in securities and complex commercial actions as a litigation associate at Sullivan & Cromwell in New York. He is admitted to practice in the State of New York (2000) and the U.S. District Courts for the Southern and Eastern Districts of New York (2001).

PATRICIA S. GILLANE received her B.A., *cum laude*, from Columbia University in 1985 and her J.D. from Brooklyn Law School in 1989, where she was an editor of the *Brooklyn Law Review*. Ms. Gillane is the author of the "One Moment in Time: The Second Circuit Ponders Choreographic Photography as a Copyright Infringement: Horgan vs. MacMillan." She is a member of the Association of the Bar of the City of New York, where she was a member of the Professional Responsibility Committee from 1996 until 1999 and is also a member of the American Bar Association. Ms. Gillane is a member of the bar of the State of New York (1990) as well as the U.S. District Courts for the Southern and Eastern Districts of New York (1990).

BEATA GOCYK-FARBER received her B.A., *summa cum laude*, from Adelphi University in 1994 and her J.D., *summa cum laude*, from the Benjamin N. Cardozo School of Law in 1997 where she was a member of the *Cardozo Law Review* and the Order of the Coif. Prior to receiving her degree at Adelphi, Beata was awarded the Scholarship for Academic Excellence at Jagiellonian University in Cracow, Poland. At Cardozo she was a Balkin Scholar and the recipient of the West Publishing Award for Academic Excellence. She authored "Patenting Medical Procedures: In Search of a Compromise Between Ethics and Economics" for the *Law Review* in 1997. She is a member of the International Law Section of the American Bar Association and is admitted to practice in the State of New York (1998).

HANNAH E. GREENWALD received her B.A., *cum laude*, from Cornell University in 1995 and received her J.D., with Honors, from the Dickinson School of Law of The Pennsylvania State University in 1998. While at Dickinson, Ms. Greenwald was a Comments Editor of the Dickinson Law Review. She was also the recipient of the D. Arthur Magaziner Human Services Award, awarded to the senior who has demonstrated good character, sound academic performance, high ethical standards, fidelity to the highest goals of the profession and commitment to selfless human service. Before joining BLB&G, Ms. Greenwald was a prosecutor in the Insurance and Unemployment Fraud Division of the Massachusetts Attorney General's office. Prior to that, she was an Assistant District Attorney in the Middlesex County (Massachusetts) District Attorney's office from 1998 to 2000. Ms. Greenwald is admitted to practice in States of Massachusetts (1998) and New York (2002).

ANDREW M. GSCHWIND graduated from Duke University in 1990, *summa cum laude*, where he was a Phi Beta Kappa scholar. He received his J.D. from the University of California, Boalt Hall School of Law, in 1996 where he was a member of the *California Law Review* and received the award for Best Oral Argument in Moot Court. While clerking for the Hon. Joseph T. Sneed of the Ninth Circuit Court of Appeals during the Summer of 1994, Mr. Gschwind edited and revised Judge Sneed's book on the Fourteenth Amendment, *Footprints On the Rocks of the Mountain*. As a litigation associate with Goodwin, Procter & Hoar LLC he was selected to participate in the Boston Bar Advocacy Program representing indigent defendants *pro bono* in Roxbury District Court. He is a member of the Federal Bar Council, the New York State and New York City Bar Associations and the National Association of Consumer Advocates. Mr. Gschwind is a member of the bars of the states of New York (1996), Massachusetts (1996 -

retired status), the United States District Court for the District of Massachusetts (1997) and the Southern District of New York (2001),

AVI JOSEFSON received his B.A., *cum laude*, from Brandeis University in 1997 and his J.D., *Dean's List*, from Northwestern University in 2000. At Northwestern, Mr. Josefson represented indigent juvenile and adult clients in various courts and was awarded the Justice Stevens Public Interest Fellowship (1999) and the Public Interest Law Initiative Fellowship (2000). He is a co-author of several articles including "Top 10 Considerations When Seeking Insurance Recovery for E-Commerce and Internet Claims," which he wrote for the 19th Annual ABA Mid-year Meeting of Committee on Corporate Counsel Materials, as well as "Political and Currency Risk Insurance" and "It's Not a Small World After All: Meeting the Challenge of Global Risks" which he wrote for the *Manufacturers Alliance Risk Management Councils I & II*. He is admitted to practice in the state of Illinois (2000).

JOHN A. KEHOE received a B.A. from DePaul University in 1986 and a Master's degree in Public Administration from the University of Vermont in 1994 where he was vice president of the Public Administration Student's Association. He received his J.D., *magna cum laude*, from Syracuse University College of Law in 1997 where he was an Associate Editor of the *Syracuse Law Review*, an Associate Member of the Moot Court Board, and an alternate member on the National Appellate Team. Prior to joining the firm, Mr. Kehoe had extensive securities litigation experience as an associate at Clifford Chance US LLP, where he also had a prominent role representing a pharmaceutical manufacturer in *In re Vitamin Antitrust Litigation*. Prior to law school, he worked as a police officer in Burlington and Brattleboro, Vermont and served as the lead investigator in over 1000 felony and misdemeanor complaints. He is admitted to the bar of the State of New York (1999) and the U.S. District Court for the Southern District of New York (1999).

JEFFREY N. LEIBELL received his B.S., *cum laude*, in accounting from Brooklyn College of the City University of New York in 1979, and a J.D. from Columbia University in 1992, where he was the Senior Notes Editor of the *Columbia Business Law Review* and a Harlan Fiske Stone Scholar. Mr. Leibell is the author of "Accountant's Liability in the Savings & Loan Crisis: An Argument in Favor of Affirmative Defenses." He is a Certified Public Accountant, having worked for eleven years in the Audit Department of a "Big Five" public accounting firm, leaving as a Senior Manager. Mr. Leibell is a member of the New York State Society of Certified Public Accountants, the New York State Bar Association and the American Bar Association. He has been admitted to the bar of the State of New York (1992), U.S. District Courts for the Southern and Eastern Districts of New York (1993), U.S. Court of Appeals, Second Circuit (1996), U.S. District Court for the Eastern District of Michigan (1996), U.S. Court of Appeals, Sixth Circuit (1999), U.S. District Court for the District of Colorado (2000) and the U.S. Court of Appeals, Third Circuit (2000).

EITAN MISULOVIN received his B.S. from Boston University's School of Management in 1997. He then completed Hofstra University's joint-degree program in three

years, receiving his M.B.A., *With Distinction*, and his J.D., *Dean's List*, in 2001. He is the author of "The Group Legal Plan Revolution: Bright Horizon or Dark Future?" for the *Hofstra Labor & Employment Law Journal*. Mr. Misulovin is a Series 7 and Series 63 licensed securities dealer and is fluent in English, Russian and Hebrew. He is a member of the bars of the States of New Jersey (2001) and New York (2002) and is admitted to practice in the U.S. District Courts for the District of New Jersey (2001) and the Southern and Eastern Districts of New York (2002).

BLAIR A. NICHOLAS, received a B.A. in Economics from the University of California, Santa Barbara in 1992, where he was a member of the Golden Key National Honor Society, and a J.D. from the University of San Diego School of Law in 1995. At the University of San Diego School of Law, Mr. Nicholas served as Lead Articles Editor of the *San Diego Law Review*. He has prosecuted many significant federal and state securities and consumer class actions, including the litigation against Informix Corporation and Ernst & Young, which resulted in a settlement for shareholders in excess of \$141 million. Mr. Nicholas has several published opinions in cases in which he has represented institutional investors, including *In re Legato Systems Inc.*, 204 F.R.D. 167 (N.D. Cal. 2001); *Armour v. Network Assocs.*, 171 F. Supp. 2d 1044 (N.D. Cal. 2001); and *Borenstein v. Finova Group*, 2000 U.S. Dist. LEXIS 14732 (D. Ariz. 2000). He is an active member of the State Bar of California, the Federal Bar Association, the San Diego County Bar Association, the Association of Business Trial Lawyers of San Diego and the Consumer Attorneys of San Diego. Mr. Nicholas also serves as a member of the American Bar Association's Securities Litigation Committee and was co-editor of the ABA's *Securities News*. He is admitted to the bar of the State of California (1995), to the Ninth Circuit Court of Appeal (1996) and to the United States District Courts for the Southern, Central and Northern Districts of California (1996) and the District of Arizona (1996). Mr. Nicholas practices in the firm's California office.

NIKI L. O'NEEL received her B.A. from the University of Oregon in 1994. Ms. O'Neel received her J.D. from the University of Oregon School of Law in 1997 where she was a member of the Order of the Coif and a Managing Editor of the Oregon Law Review, for which she wrote "Rooney v. Kulongoski, Limiting the Principle of Separation of Powers?" She served as judicial law clerk to the Honorable Chief Judge Michael R. Hogan of the United States District Court for the District of Oregon from 1998 to 2001 where she received the Distinguished Service Recognition in September 2001. Before joining BLB&G, Ms. O'Neel represented both plaintiffs and defendants in commercial and employment litigation. Ms. O'Neel is a member of the State Bar of Hawaii, the State Bar of California, and the Federal Bar Committee of the San Diego County Bar Association. She is admitted to the bar of the States of Hawaii (1997) and California (2001) and practices out of the firm's California Office.

PAUL RYAN received a B.A., *cum laude*, from Georgetown University in 1989 and a J.D., *cum laude*, from New York University School Of Law in 1999, where he was an Associate Editor of the *New York University Law Review*. He is admitted to the bar of the State of New York (2000) and to United States District Courts for the Southern and Eastern Districts of New York (2000).

GERALD H. SILK received his B.S. in Economics from the Wharton School of Business, University of Pennsylvania in 1991, and a J.D., *cum laude*, from Brooklyn Law School in 1995, where he was a member of the Moot Court Honor Society. In 1995-96, Mr. Silk served as a law clerk to the Hon. Steven M. Gold, U.S.M.J. in the United States District Court for the Eastern District of New York. He is a member of the bar of the State of New York (1996) as well as the U.S. District Courts for the Southern and Eastern Districts of New York (1997).

DAVID R. STICKNEY received his B.A. from the University of California at Davis in 1993 and his J.D. from the University of Cincinnati College of Law in 1996, where he was a Jacob B. Cox scholar. He served as lead articles editor of the *University of Cincinnati Law Review* and authored "Throwing Away 'Flow Control': Effective Solid Waste Management Succumbs to the Dormant Commerce Clause: C & A Carbone, Inc. v. Town of Clarkstown, 114 S. Ct. 2004 (1994)". During 1996-1997, Mr. Stickney served as law clerk to the Honorable Bailey Brown of the U.S. Court of Appeals for the Sixth Circuit. His professional affiliations include the American Bar Association and the Association of Business Trial Lawyers. He is a member of the bars of the State of California; the U.S. Court of Appeals for the Sixth Circuit; and the U.S. District Courts for the Northern, Southern, and Central Districts of California. Mr. Stickney practices in the California office.

VICTORIA O. WILHEIM received her B.A. from California State University at Long Beach in 1992 and her J.D. from Southwestern University School of Law in 1996, where she was a member of the Moot Court Honors program. She is a member of the bars of the states of California (1996) and New York (1999).

TRACEY L. WORTHINGTON received her B.A. from the Newcomb College of Tulane University in 1985 and her J.D. from Catholic University in 1988. While serving as law clerk to the Hon. Earl B. Gilliam of the U.S. District Court for the Southern District of California, Ms. Worthington drafted the opinion in *Daubert v. Merrill Dow*. She is a co-author of "Don't Make Them Leave Their Rights At The Door" in the *Journal of Contemporary Health Law and Policy* and has tried over 150 jury trials, including approximately ten homicide trials, both as a prosecutor with the San Diego County District Attorney's Office and in private practice. Ms. Worthington is a member of the bar of the State of California (1989), as well as the U.S. District Courts for the Southern (1989), Central (2001), Eastern (2001), and Northern (2001) Districts of California (1989). She is a member of the San Diego County Bar Association and the North County Bar Association. Prior to joining the firm, she ran her own litigation practice. She practices in the firm's California office.

ANDREW I. ZLOTNIK received his B.A. from the University of Virginia in 1997 and his J.D. from the University of San Diego Law School in 2002. Mr. Zlotnick has worked as a law clerk for the firm since the summer of 2000 and joined the firm as a full time associate in September 2002. Along with firm partner Robert Gans, he co-authored "Bad Cases Mean Bad Law (For Plaintiffs): Compaq and the Heightened Adequacy Standard Under Rule 23" for the Practising Law Institute's Accountants' Liability - After Enron conference. Prior to starting law

school Mr. Zlotnik worked as an organizer for the United Food and Commercial Workers International Union, and was a director of field operations for Proposition MM, a local school bond initiative which raised \$1.5 billion to repair San Diego city schools. He practices out of the firm's California office.

EXHIBIT F

Greenbaum, Rowe, Smith, Ravin, Davis & Himmel LLP

The Firm

Greenbaum, Rowe, Smith, Ravin, Davis & Himmel LLP is a 100-attorney law firm with offices in Woodbridge and Roseland, New Jersey. The firm that William L. Greenbaum founded in 1914 has grown to one of the largest law firms in New Jersey. The firm's diverse practice areas include general business practice, civil trial practice in state and federal courts and U.S. tax court, alternative dispute resolution, antitrust, banking and creditors' rights, bankruptcy and foreclosure, community association law, technology law, condemnation, copyrights, corporate, elder law, eminent domain, employee benefits, emerging companies, energy, environmental, family law, family-owned businesses, finance, franchise law, general business practice, government regulatory, intellectual property, labor and employment, land use, litigation, mediation, mergers and acquisitions, physician's practices, public utilities, real estate, securities (state and federal), tax, trademarks, trusts and estates, and white collar criminal defense.

Prominent Securities Law Cases

Greenbaum, Rowe, Smith, Ravin, Davis & Himmel LLP has extensive experience as general counsel to investors following the passage of the Private Securities Litigation Reform Act (PSLRA). These investors include investors in various publicly traded companies and in private placements. The firm is lead defense counsel for the corporation and its officers and directors in the Medi-Hut Class Action Securities Litigation, currently pending before United States District Judge Mary L. Cooper in the District of New Jersey, Docket No. 02-881.

Among the recent additional securities law cases that the firm has actively litigated are as follows:

- ❖ *EP Medsystems v. EchoCath, Inc.*, Civil Action No. 97-4926 (Hon. Alfred J. Lechner) (alleged 10b-5 violation).
- ❖ *SEC v. The Classica Group*, an SEC enforcement action in which no fine or penalty was imposed on company accused of issuing false press releases.
- ❖ Represented Charles McCormick, lead individual defendant in *John J. Farmer v. KI Digital, et al.*, Docket No. C-153-98 (Hon. R. Benjamin Cohen, P.J.Ch.) and in *Geoffrey L. Steiert v. Math Services, Inc., et al.*, Civil Action No. 98-4992 (Hon. Stanley S. Brotman, U.S.D.J.). (alleged federal and state securities law violations).
- ❖ Represented president and CEO of First Interregional Group, Inc., Richard Goettlich, in *United States v. Goettlich, et al.* (criminal and civil securities fraud (10b-5) violations).

- ❖ Represented Merrill Lynch entities in *Jack Green, et al. v. Fund Asset Management, L.P., et al.*, 286 F.3d 682 (3d Cir. 2002) (dismissing complaint alleging violation of Investment Advisors Act against defendants).
- ❖ Represent defendants Srimi Raju and Raj Mitta in *Ashok Pandey v. Srimi Raju, et al.*, Civil Action No. 02-3066 (Hon. Joseph A. Greenaway, Jr., U.S.D.J.) (currently pending alleged violation of section 13 (d) of the Exchange Act).
- ❖ Represented defendant N.S. Ramchandran, Civil Action No. 95-1598 (Hon. Anne E. Thompson, U.S.D.J.) in criminal currency futures fraud investigation by U.S. Attorney's Office for District of New Jersey (no prosecution) and in connection with cooperation with CFTC and receiver.

The Firm's Partners

Paul A. Rowe

Paul A. Rowe is managing partner of the firm and chair of its Litigation Department.

Listed in the book, *The Best Lawyers in America*, under both the Business Litigation and Family Law categories, Mr. Rowe has served a broad range of individual and institutional clients in state and federal courts throughout the country for more than 35 years. He has been lead counsel in a myriad of diverse and prominent matters including trial of one of the largest antitrust cases in New Jersey and the rehabilitation of Mutual Benefit Life Insurance Company, where he was lead trial counsel for the general creditors. In addition to having tried major chancery and commercial cases of all types in such areas as brokerage commission, RICO, antitrust, construction, partnership and corporate dissolution, and stock fraud, Mr. Rowe has also tried numerous complex matrimonial cases in this jurisdiction.

Mr. Rowe is the author of the comprehensive treatise, *New Jersey Business Litigation*, published in 2000, and is also co-author of the standard textbook for chancery litigation in New Jersey entitled *Guidebook to Chancery Practice in New Jersey*.

Mr. Rowe is a past president of the Essex County Bar Association and a member of the New Jersey State and American Bar Associations. Mr. Rowe has also served as President of the Legal Services Foundation of Essex County (1997-1999). He is a Fellow of the American College of Trial Lawyers and a Fellow of the American Bar Foundation. Mr. Rowe was the 1993 recipient of the Lifetime Achievement Award of the Trial Attorneys of New Jersey. Mr. Rowe is also a Fellow of the International Academy of Trial Lawyers.

Mr. Rowe is a 1958 graduate of Tufts College and a 1961 graduate of Columbia Law School. He was admitted to the New York State Bar in 1961 and the New Jersey Bar in 1962. He is admitted in the U.S. District Court of New Jersey, the U.S. District Court, Southern and Eastern Districts of New York. He is also admitted to the U.S. Court of Appeals, Third Circuit and the U.S. Tax Court.

Robert S. Greenbaum

Robert S. Greenbaum is a name partner of the firm, where he is a member of its Real Estate Department and chair of its Alternative Dispute Resolution Practice Group. Mr. Greenbaum concentrates his practice in the representation of builder/investor entrepreneurs, financial institutions, brokers, contractors and users, in all aspects of land development from acquisition through the land use approval process, environmental regulations, financing, construction, leasing and sale. He has trial experience, and has testified as an expert witness in state (N.J.) and federal courts. He is admitted to practice in New Jersey (1949) and New York (1983).

Mr. Greenbaum is a graduate of the University of Pennsylvania (1943). Following World War II service aboard a Navy destroyer, he was discharged with the rank of lieutenant U.S.N.R.. He received his law degree from Columbia Law School (1948) and has practiced with the firm since 1949.

Mr. Greenbaum was elected to the American College of Real Estate Lawyers (ACREL) in 1982 and is the immediate past chair of the Alternative Dispute Resolution (ADR) Committee. He is a past chair of the Land Use Law Section of the New Jersey State Bar Association (NJSBA), past chair of the Dispute Resolution Section of NJSBA and member of the Real Property Probate and Trust Law Section of NJSBA. He is also a past chair of the State and Local Government Law Section of the American Bar Association (ABA), member of the ABA Dispute Resolution Section and member of the ABA Real Property Probate and Trust Law Section. He is a Life Fellow of the American Bar Foundation. He has also been on the Adjunct Law Faculties of Rutgers and Seton Hall Universities teaching Land Development and Financing. He has been a frequent lecturer for the New Jersey Institute for Continuing Legal Education on numerous real estate and alternative dispute resolution related topics. Mr. Greenbaum has served on the Special Advisory Committee on Natural Resources to the New Jersey Office of State Planning in conjunction with the adoption of the State Development and Redevelopment Guide Plan. He is a frequent contributor to professional journals in land use, real estate financing and alternative dispute resolution.

Mr. Greenbaum has also served as chair of the Planning Board and on the governing body of South Orange, and as chair of the Board of Trustees of Guild Hall in East Hampton, New York, 1993-94. He is a member of the Board of Governors, New Jersey Chapter of the National Conference for Community and Justice (NCCJ). He has also served as a member of the Board of Directors of the Greater Newark Chamber of Commerce and as president of the Columbia Law School Association of New Jersey. Mr. Greenbaum is a member of the New Jersey Mediation Panel for the American Arbitration Association (AAA), the Construction Industry Panel of Arbitrators and the AAA New Jersey Public Sector Panel. Mr. Greenbaum is a Master of the Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution. He is also a member of the Mediation Panel for the U.S. District Court for the District of New Jersey and is on the Roster of Mediators of the Superior Court of New Jersey Statewide Mediation Program for Civil, General Equity and Probate Cases.

Mr. Greenbaum is profiled in *Who's Who in American Law* (1991) and *Who's Who in America* (49th Edition, 1994-95) and is also listed in *The Best Lawyers in America*, since its initial publication in 1983. In 1997, he was the first recipient of the ADR Practitioner of the Year Award from the Dispute Resolution Section of NJSBA.

Arthur M. Greenbaum

Arthur M. Greenbaum is a name partner of the firm in its Real Estate Department, where he concentrates his practice in all aspects of real estate law. He joined the firm in 1950 when he was admitted to practice in New Jersey. Mr. Greenbaum is a graduate of the University of Pennsylvania (1947) and earned his law degree from Rutgers School of Law (1950). He served in World War II as a naval communications officer attached to Admiral Hewitt's Staff in London.

A noted authority on real estate brokerage and trade association law, Mr. Greenbaum has argued before the New Jersey Supreme Court in many landmark cases which have had a significant impact on the conduct of the real estate industry in New Jersey. Throughout his legal career, he has concentrated his practice in real estate and has represented numerous prominent builders and developers of residential and commercial real estate, real estate brokers, and commercial landlords and tenants in New Jersey. For more than 30 years, Mr. Greenbaum also has represented the New Jersey Association of Realtors, the voice of organized real estate in New Jersey. In addition, he has broad experience in representing lending institutions and title companies, and he has been hands-on counsellor in the planning and development of residential projects consisting of many thousands of units.

In October 1996, Mr. Greenbaum was the recipient of an honorary Doctor of Laws degree bestowed by Monmouth University, and has served as a member of the Advisory Board of the University's Real Estate Institute. He has been selected for inclusion in *The Best Lawyers in America* in the Real Estate category. Mr. Greenbaum is a member of the Board of Directors of the developer, Hovnanian Enterprises, Inc., one of the 10 largest residential developers in the United States. He also served on the legal advisory board of the National Association of Realtors, a trade association with over 750,000 members. In 1994, he was honored by the Real Estate Institute of Monmouth University as the first recipient of its prestigious Leadership Excellence Award.

Mr. Greenbaum is a frequent lecturer before real estate and bar associations throughout the United States and has been a guest lecturer at the Rutgers University School of Law. He is a member of the American and New Jersey State Bar Associations and is a Fellow of the American Bar Foundation. He also has served as a trustee of the Jewish Federation of Monmouth County.

Wendell A. Smith

Wendell A. Smith is a partner of the firm in its Real Estate Department, and is chair of the Planned Real Estate Practice Group. He concentrates his practice in land use and planned real estate development, including large mixed-use projects as well as active adult, golf course, and resort communities. He is admitted to practice in New Jersey (1960) and New York (1966).

A noted authority on condominium and community association law in New Jersey, Mr. Smith is the co-author of the treatise entitled, *New Jersey Condominium and Community Association Law*, published by Gann Law Books, as well as many articles on the subject. He also has been involved in all facets of several hundred condominium, cooperative and other common interest projects, including conversions, dockominiums, golf course communities, retirement communities, and congregate care facilities. In addition, he has vast experience in all areas of community association law, with particular emphasis on transition from developer to unit owner control and complex problem solving in distressed common interest communities.

He also is certified as a mediator and an arbitrator of the American Arbitration Association and serves regularly as an expert witness in condominium and other community association matters.

Mr. Smith is a graduate of The Johns Hopkins University (1954) and earned his law degree from the University of Michigan Law School (1959), after a tour of duty as an infantry officer in Korea. He joined Greenbaum, Rowe, Smith, Ravin, Davis & Himmel LLP in 1968. Previously, he was vice president and general counsel for both Levitt and Sons, Incorporated, and Boise Cascade Building Company and was involved in sophisticated real estate transactions and development throughout the continental United States and in Puerto Rico.

Listed in *The Best Lawyers in America* since 1983, Mr. Smith is also a charter member of the American College of Real Estate Lawyers (ACREL) and has served as vice chair of its Common Interest Ownership Committee. He also is the attorney member of the New Jersey Assembly Task Force to Study Homeowners Associations. Additionally, he has been a national trustee of the Community Associations Institute (CAI), president of the CAI Research Foundation, and the recipient of its most prestigious Byron Hanke Award for outstanding contributions to community associations. He is also a charter member of CAI's College of Community Association Lawyers. He is the founding president of the New Jersey Chapter of CAI (NJ/CAI) and serves as its General Counsel. In April 2001, he was presented with the Distinguished Alumnus Award from Johns Hopkins University. He has been a trustee of Johns Hopkins University since 1983 and serves on the Board of Johns Hopkins Medicine.

Mr. Smith has been a faculty member of the American Law Institute - ABA Panel on Planned Unit Developments and Golf Course Communities and of the national CAI Law Reporter Annual Conference. He has lectured on various legal topics at several law schools, for the Real Property, Probate and Trust Law Section of the ABA and for ACREL, and at many seminars sponsored by the New Jersey Institute for Continuing Legal Education, NJ/CAI, and various trade associations. He also served as chair of the ABA Section Committee on Common Interest Community Associations and is a Fellow of the American Bar Association Foundation. He is also on the board of directors of the Senior housing Council of the New Jersey Builders Association.

Alan E. Davis

Alan E. Davis, a name partner of the firm, is chair of both the Corporate Department and Technology Practice Group. Listed since 1987 in *The Best Lawyers in America*, Mr. Davis has practiced law for more than 35 years and is a noted business law authority. He is admitted to practice in New Jersey (1965) and New York (1983).

Mr. Davis practices with particular emphasis on the representation of small to medium size business enterprises, both publicly and closely held, in diverse areas including manufacturing, retailing, distribution and service. He advises clients on a full range of matters including financing, relations with suppliers, customers and non-union staff, securities, business planning, and the purchase and sale of businesses and related business assets. Mr. Davis also has extensive experience handling franchise, distribution and trade regulation matters, and problems associated with the dissolution of business entities.

Since 1993, Mr. Davis has been a member of the Board of Trustees of the Monmouth Health Care Foundation and served as its chair 1996-98. He also is a member of the Boards of Trustees of the Monmouth Medical Center (MMC) and Monmouth University as well as their Executive Committees and chairs MMC's Finance Committee. At Monmouth University Mr.

Davis also serves as its secretary and at MMC as a vice chairperson. In addition, Mr. Davis is a member of the Board of Trustees of the Saint Barnabas Corporation, New Jersey's largest hospital system, and during 1995-2002 served as a Governor's Representative on the Board of Trustees of the Public Employees Retirement System of New Jersey.

Mr. Davis graduated, *cum laude*, from Rutgers College, New Brunswick, New Jersey (1962), and received his law degree from Columbia Law School (1965). Following graduation from law school, he served on active duty with the Adjutant General's Corps of the U.S. Army and was discharged with the rank of captain in December 1967. He is a member of the Middlesex County, New Jersey State, and American Bar Associations.

Michael B. Himmel

Michael B. Himmel is a name partner of the firm, where he is chair of its White Collar Criminal Defense Practice Group and a member of the Litigation Department. Mr. Himmel has been selected for inclusion in The Best Lawyers in America in two categories, Criminal Defense and Business Litigation. He served as President of the Association of the Federal Bar for the State of New Jersey for the term 1998-2000.

Mr. Himmel has developed a practice concentration in white collar criminal defense including areas such as insider trading and related securities fraud matters, political corruption, antitrust, bank and government procurement fraud, public corruption, environmental and food and drug violations, and tax fraud matters. His clients have included private and public corporations, officers and directors of private and public corporations, professionals and state and federal officials. He also has assisted corporate clients with internal investigations.

Prior to joining Greenbaum, Rowe, Smith, Ravin, Davis & Himmel in 1982, Mr. Himmel was an Assistant District Attorney in Bronx County, New York, and later served as an Assistant U.S. Attorney for the District of New Jersey. During his years as a federal prosecutor, Mr. Himmel successfully prosecuted numerous high visibility white collar criminal cases which resulted in the convictions of a New Jersey state senator, a former speaker of the New Jersey Legislature, and a number of union officials.

A frequent lecturer for the Institute on Continuing Legal Education on white collar criminal defense topics, he has been a panelist and faculty member for the American Bar Association White Collar Crime Institute. Since 1985, Mr. Himmel has served as an arbitrator for the United States District Court for the District of New Jersey. He is a member of the Litigation, Antitrust, and Criminal Justice Sections of the American Bar Association, as well as the New Jersey and New York State Bar Associations.

Mr. Himmel is admitted to practice in New York (1975) and in New Jersey (1982).

David L. Bruck

David L. Bruck is a partner of the firm, where he is a member of the Litigation Department. He has practiced with the firm since 1970.

Mr. Bruck has spent a substantial part of his 29 years of practice devoted to the debtor-creditor and bankruptcy fields. During the early years of his practice, he devoted considerable time to commercial foreclosures and real estate related transactions, developing a broad understanding of the interaction between borrowers and lenders. His practice is concentrated in

the representation of parties in foreclosure and Chapter 11 proceedings as well as in providing insolvency counseling and negotiating workouts, debt restructure and forbearance arrangements.

A graduate of Tufts University (1965), Mr. Bruck received a law degree from Rutgers University Law School (1968). He is the past president of the Federal Bar Association, a member of the Commercial Law League of America, and a member of the Bankruptcy Section of the New Jersey State Bar Association. He is a Master of The New Jersey Bankruptcy Inns of Court. He is a frequent speaker on insolvency and commercial foreclosures.

Mr. Bruck is admitted to practice in New Jersey (1968).

Michael A. Backer

Michael A. Backer is a partner of the firm, where he serves as co-chair of its Tax, Trusts & Estates Department. He joined the firm in 1994 and was previously with the former Newark law firm of Clapp & Eisenberg from 1970 through 1994, where he also served as head of the firm's Estate & Trust Practice Group. He is admitted to practice in New Jersey (1969) and New York (1981).

Noted in *The Best Lawyers in America* for his expertise in probate law, Mr. Backer concentrates his practice in trusts and estates administration and wealth transfer planning for high net worth individuals and owners of closely-held businesses to achieve their estate planning objectives while minimizing their transfer tax liability. He routinely counsels individual and corporate fiduciaries on all facets of estate and trust administration, preparation of state and federal death and fiduciary income tax returns, post-mortem tax planning and fiduciary accountings. He also aggressively manages will contest, will construction and other fiduciary litigation for individuals and all major New Jersey bank trust departments.

Mr. Backer is a graduate of Rutgers University, New Brunswick (1966), and he received a law degree from Rutgers University School of Law, Newark (1969), where he was a member of the Law Review. Following graduation from law school and admission to practice, he served a judicial clerkship with Hon. Harold Kolovsky, Judge of the Appellate Division of the Superior Court of New Jersey. He has been in private practice ever since.

Mr. Backer was elected a Fellow of the American College of Trust and Estate Counsel, a national peer group of trust and estate practitioners, in 1990. He served on the Board of Consultors, the governing body of the New Jersey State Bar Association Real Property, Trust and Probate Section from 1984 through 1996 and since 1990 has chaired that Section's New Jersey Probate Code Revision and Reform Committee. He authored New Jersey's bank "sweep fee" legislation and co-authored New Jersey's Principal and Income Act. In 1997, New Jersey's Prudent Investor Act, which he authored, was enacted. Most recently, he co-authored New Jersey's innovative Principal and Income Act which was enacted in 2001.

Mr. Backer is a frequent lecturer on trust investment law, trends in probate litigation, new developments in New Jersey probate law and various aspects of estate and tax planning.

Dean A. Gaver

Dean A. Gaver is a partner of the firm in its Real Estate Department and is a member of the Energy and Public Utilities Practice Group. His litigation practice focuses on issues associated with land use, zoning, real estate development and management.

Mr. Gaver has served as counsel in several New Jersey landmark cases involving exclusionary zoning and related land use matters. He is experienced in handling a variety of contested matters, including zoning applications, eminent domain and regulatory proceedings, as well as project planning for real estate ventures.

His clients include several of the country's largest commercial, industrial and residential developers, mall owners and corporate owners of real estate. He has been involved in numerous complex and innovative development and redevelopment projects in the state. He has represented the sponsors of the state's largest waterfront development project in land assembly and planning through the permitting, construction and operational phases of the project. He currently is handling the proposed development of a major hydroelectric facility.

Mr. Gaver has extensive experience in working with state, county and local planning boards, boards of adjustment, governing bodies and utility and environmental authorities, and counsels clients on an ongoing basis about the regulatory and public policy issues which affect their interests and options.

He represents owners and landlords in connection with contracts and leases and litigates related disputes on their behalf. He is also involved in structuring and restructuring the relationships and interests of equity owners, lenders and partners in related litigation.

Mr. Gaver is a graduate, *cum laude*, of Yale University (1966), with a degree in industrial administration. He received his law degree from Harvard University Law School (1969). Mr. Gaver is listed in *The Best Lawyers in America* in the Real Estate category. A member of the American, New Jersey State and Essex County Bar Associations, Mr. Gaver serves on the Land Use Section of the State Bar and the Land Use, Planning and Zoning Committee of the ABA. He is a director of the Yale Alumni Association of Bergen County and a member of the Harvard Alumni Association of New Jersey.

Mr. Gaver is admitted to practice in New Jersey.

Robert C. Schachter

Robert C. Schachter is a partner of the firm, where he is chair of its Real Estate Department. Mr. Schachter concentrates his practice in all aspects of real estate, with a particular emphasis on commercial leasing. He also has extensive experience in the areas of commercial mortgage financing, real estate brokerage, acquisitions, land use planning and zoning.

Mr. Schachter received a bachelor's degree from Rutgers College, New Brunswick (1967), where he graduated *cum laude* and Phi Beta Kappa. He earned his law degree from Rutgers Law School, Newark, (1972). From 1968-70, he served in Afghanistan as a Peace Corps volunteer, where he taught English as a foreign language. He joined the firm in 1972.

In 1992, Mr. Schachter was elected to the American College of Real Estate Lawyers, of which he is a member of the Practice Technology Committee. He is also a member of the Real Property, Probate and Trust Section of the New Jersey Bar Association. He has also served as vice chair of the Literature and Publications Committee of the Real Property Division of the American Bar Association.

Mr. Schachter is a co-author of *New Jersey Real Estate Forms - Practice*, which is published by The Michie Company. He has served as an adjunct member of Rutgers Law School in Newark, where he has taught senior level courses in real estate transactions. He presently teaches commercial leasing at the Real Estate Institute of Monmouth University. A

frequent lecturer, Mr. Schachter has participated as a panelist in seminars sponsored by the Institute for Continuing Legal Education; Professional Education Systems, Inc.; the Community Associations Institute; and the Graduate Realtor Institute.

Mr. Schachter is admitted to practice in New Jersey (1972).

Martin L. Lepelstat

Martin L. Lepelstat is a partner of the firm, where he is co-chair of its Tax, Trusts & Estates Department.

Since joining the firm in 1978, Mr. Lepelstat has represented partnerships, corporations, individuals and special types of entities in connection with the planning, structuring and defense of tax transactions, and he has handled all types of audits and has appeared at appellate conferences, at both the federal and state levels. He has participated in matters arising in the U.S. Tax Court. Mr. Lepelstat also has a practice concentration in estate planning for individuals and their businesses, including the administration of their estates.

In 1968, Mr. Lepelstat received a Bachelors of Business Administration from the City College of New York. He then was simultaneously enrolled at Cornell Law School and the University of Michigan Graduate School of Business where he was awarded his Juris Doctorate and his Master of Business Administration, respectively. He began his legal career at Weil, Gotshal and Manges in New York City. During that time, he also earned an L.L.M. in Taxation from the New York University School of Law.

Mr. Lepelstat is an elected Fellow of the American College of Trust and Estate Counsel. He has served as chair of both the Taxation and Probate Committees of the Middlesex County Bar Association. He has also been appointed to several committees of the New Jersey State and Middlesex County Bar Associations and has served as a trustee of the Middlesex County Bar Association. He has also lectured before various bar groups and committees, including the Institute of Continuing Legal Education. He has been published in several national and local tax publications.

Mr. Lepelstat is admitted to practice in New Jersey, New York and Florida.

Dennis A. Estis

Dennis A. Estis is a partner of the firm in its Litigation Department, chair of the Construction Practice Group and a member of the Planned Real Estate Practice Group and the Energy and Public Utilities Practice Group. For almost 30 years, Mr. Estis has concentrated his practice in the area of complex litigation, particularly relating to condominiums, construction defects, lender liability, general business disputes, alternate dispute resolution (ADR), and environmental concerns. He is admitted to practice in New Jersey (1972), New York (1983), the 3rd Circuit Court of Appeals (1983), and the U.S. Supreme Court (1993).

Mr. Estis served as lead counsel for more than 100 developers involved in numerous law suits related to fire retardant treated plywood. He spearheaded efforts to obtain greater funding for replacement of FRT plywood. He has served as counsel to numerous developers, condominiums and cooperatives, and several New Jersey municipalities, as well as counsel to one of the major sewerage authorities in the state. He served as lead public entity counsel in the largest landfill case ever conducted in Middlesex County, New Jersey.

Mr. Estis, a graduate of The Johns Hopkins University (JHU) (1969) where he received a Bachelor of Arts degree, earned his law degree from New York University (NYU) School of Law (1972) where he was a Root-Tilden and John Ben Snow Scholar. Mr. Estis clerked for the late Samuel Allcorn, Judge of the Appellate Division of the New Jersey Superior Court. He joined the firm in 1973.

Mr. Estis holds or has held several leadership positions in bar association activities. He serves as immediate past co-chair of the Construction Litigation Committee of the Litigation Section of the American Bar Association (ABA), as well as serving as a member of the ABA's Forum on the Construction Industry. Mr. Estis has served as chair of the Equity Jurisprudence Committee of the New Jersey State Bar Association (NJSBA) and is a member of the Construction and Public Contracts Section of the NJSBA. He is President-Elect of the Middlesex County Bar Association. He is also a member of the College of Community Association Lawyers. Mr. Estis has lectured extensively on numerous topics involving construction and condominium law, ADR, and trial practice, having served in 1997 on the faculty of the 18th Annual Community Association Law Seminar conducted in Washington, D.C., and in 2002 on the faculty of the 23rd Annual Institute conducted in Washington, D.C. and San Diego, California, by the Community Associations Institute. He is co-author of the 2001 edition of "Condominium and Community Association Law," published by Gann Law Books; co-author of "Defending the Developer," Chapter 8 of "Condominium and Homeowner Litigation," published by John Wiley & Sons (1987); and author of the New Jersey chapter of CPI LienLaw Online (Construction Publications, Inc. 2002). Mr Estis is a member of the Editorial Board of the *Journal of Community Association Law*.

Mr. Estis served as chair of the Democratic Party of Union County, New Jersey. In addition, Mr. Estis has served as a member of the board of directors of the NYU Law School Alumni Association and was president of its New Jersey Chapter. Presently, he serves as co-chair of the JHU New Jersey Alumni Chapter. Mr. Estis has also served as a member of the board of directors of the Jewish Federation of Central New Jersey.

William D. Grand

William D. Grand is a partner of the firm, where he is a member of the Litigation Department and the Environmental Practice Group. Mr. Grand's 30 years of experience covers all phases of complex commercial litigation practice, including trials. He has successfully litigated cases in the chancery and law divisions of the state courts, as well as in the federal courts of the New Jersey District and Southern and Eastern Districts of New York.

Mr. Grand has experience litigating a broad range of commercial disputes. He has tried many cases including suits alleging the theft of trade secrets, violation of restrictive covenants, environmental contamination, and breach of contract.

Using skills developed as a commercial litigator and trial attorney, Mr. Grand has expanded his practice to include complex condemnation proceedings. In 1994, he obtained one of the largest condemnation awards ever on behalf of a single property owner when the county condemned a client's landfill, valuing the property at \$3.5 million. Following a 30-day hearing, the firm's client ultimately received an award of nearly \$40 million.

Mr. Grand graduated with honors from the University of Rochester (1969) and received his law degree from the University of Michigan Law School (1972). Upon graduation from law

school, he clerked for the Honorable Nelson K. Mintz of the New Jersey Superior Court, Appellate Division. Mr. Grand was admitted to the bar in 1972 and joined the firm in 1977.

Mr. Grand has authored and published numerous articles. His published articles include articles on the importance of jury selection, how to settle a commercial lawsuit, how to protect a company's trade secrets, and the recovery of business damages in condemnation proceedings.

Mr. Grand has been designated a Master of the John J. Gibbons Inn of Court for Federal Trial Practice and Intellectual Property, where he has lectured on the taking and defending of depositions and trial practice issues.

He is admitted to practice before New Jersey and New York State Courts, Federal District Courts in New Jersey and the Southern and Eastern Districts of New York, the U.S. Circuit Court of Appeals for the Second and Third Circuits and the U.S. Supreme Court. He is a member of the American Bar Association and the New Jersey State Bar Association.

Alan S. Naar

Alan S. Naar is a partner of the firm, where he is administrator and a member of its Litigation Department. Mr. Naar has a practice concentration in commercial litigation representing a variety of corporate, partnership, and individual clients. He has been engaged in all aspects of civil litigation from the pre-commencement phase through the appeal process in both the federal and state courts. His broad experience includes, but is not limited to, litigation in the following diverse areas: corporate and partnership disputes, trademark and unfair trade practices, trade secrets, antitrust, business torts, professional malpractice, land use and redevelopment, and trust and estate litigation.

Mr. Naar has also been involved in major product liability litigation in both the federal and state courts in New Jersey representing a major tobacco company and was on the trial team in *Cipollone v. Liggett Group Inc., et al.*, a nationally reported product liability action commenced in the U.S. District Court, District of New Jersey. He has also acted as New Jersey counsel for a number of international clients including, for example, the Republic of the Philippines in litigation against U.S. companies alleging fraud and bribery in connection with the awarding of contracts relating to the construction of the first nuclear power plant in the Philippines. He has also been retained by a number of New York City and Washington, D.C. law firms to be New Jersey counsel for their clients because of his expertise in New Jersey federal and state court practice.

Mr. Naar is a *summa cum laude* graduate of Rutgers College (1973) where he was a Henry Rutgers Scholar. He received his law degree from Columbia Law School (1976), where he was an associate editor of the Columbia Journal of Transnational Law. He joined the firm in 1982.

Mr. Naar has lectured on various litigation related topics. He was appointed to the first panel of certified mediators for the U.S. District Court, District of New Jersey. He is also on the panel of certified arbitrators of the American Arbitration Association. In addition, Mr. Naar has served as vice chair of the Product Liability Law Section of the Essex County Bar Association and has been a member of the Executive Committee of the Federal Practice and Procedure Committee of NJSBA. Mr. Naar has had a variety of articles published in professional journals on litigation practice. He is presently a trustee of the Association of the Federal Bar of the State of New Jersey, and vice president of the Columbia Law School Alumni Association.

Mr. Naar is admitted to practice in New Jersey and before the U.S. District Court, District of New Jersey (1976). He is also a member of the bars of the U.S. Court of Appeals for the Second and Third Circuits, and the U.S. Supreme Court.

Mark H. Sobel

Mark H. Sobel joined the firm in 1980 and has been a partner of the firm since 1985. Mr. Sobel was graduated from George Washington University in 1975 with a Bachelor of Arts with distinction. While at George Washington University, Mr. Sobel was elected to Phi Beta Kappa, Phi Sigma Alpha and Phi Eta Sigma. He attended law school at the University of Pennsylvania and received his degree in 1978. While at the University of Pennsylvania, as a result of oral advocacy and academic achievement, Mr. Sobel was elected to the Moot Court Board.

Subsequent to graduation, Mr. Sobel gained valuable experience in trial advocacy as an Assistant Prosecutor in Essex County. While with the Prosecutor's Office, Mr. Sobel was responsible for numerous criminal trials, as well as Grand Jury investigations and Appellate Advocacy.

Upon leaving the Prosecutor's Office in 1980, Mr. Sobel joined the firm and has concentrated his practice in litigation matters, including a variety of real estate related and commercial litigation in both the Chancery and Law Divisions. In addition, he has been involved in complex multi-district federal litigation regarding real estate developments throughout the country. One of Mr. Sobel's current areas of specialization is matrimonial litigation and he has represented litigants throughout the State in Family Court matters.

Mr. Sobel is the past chair of the Executive Committee of the Family Law Section of the New Jersey State Bar Association and chair of the Alimony and Child Support Sub-Committee. He is a member of the New Jersey State Bar Association, a member of the New Jersey Supreme Court Committee on General Practices and Procedures, and also of the Supreme Court's Special Committee to Revise Matrimonial Law. In 1985, Mr. Sobel was selected to run the Early Settlement Program for mediation of Family Court matters in Essex County and ran that program for two years. He is listed in *The Best Lawyers in America* in the Family Law category.

Mr. Sobel is the Managing Editor of the *New Jersey Family Lawyer*, a national publication devoted to family law matters and has written a variety of articles on family law matters. In addition, Mr. Sobel has lectured on a variety of legal topics for both the State Bar at its annual convention and the Institute for Continuing Legal Education. He is also a member of the Essex County Bar Association Judicial Appointments Committee which aids in selection and reappointment of State Court Judges.

Mr. Sobel is involved in a variety of charitable activities including supervision of pro bono litigation supported by the firm. His pro bono work has included representation of the New Jersey State Bar Association before the New Jersey Supreme Court.

A lifelong resident of Livingston, New Jersey, Mr. Sobel is involved in a variety of community activities commencing in 1971 when he was appointed, while in high school, as an advisory member to the Township Council of Livingston.

Hal W. Mandel

Hal W. Mandel is a partner of the firm in its Corporate Department, chair of the Health Care Industry Practice Group and member of the Technology Practice Group and the Energy and Public Utilities Practice Group.

Mr. Mandel concentrates his practice in the purchase and sale of small and medium size business, with a further emphasis on the purchase and sale of automobile dealerships. He also has a practice concentration in serving the health care industry, particularly in the purchase and sale of physician practices; partnership, shareholder and employment agreements; and physician joint ventures.

Mr. Mandel's practice also encompasses the handling of general corporate law issues, shareholder dispute resolution, planning and organizing new business entities, employment contracts and general commercial law. He also has a broad knowledge of real estate law and represents many of the firm's clients in major commercial leases.

His legal career began in the tax department of a national accounting firm and he continues to maintain a keen interest in the area of taxation of corporations, partnerships and individuals. He is the co-author of *Modern Tax Planning Checklists* published by Warren Gorham & Lamont.

Mr. Mandel graduated *summa cum laude* from the Business School of the State University of New York at Binghamton in 1974 with a bachelor of science degree in Accounting. Mr. Mandel then graduated from New York University School of Law in 1977.

Mr. Mandel is a member of the bars of New York State (1978) and New Jersey (1982).

Barry S. Goodman

Barry S. Goodman is a partner in the firm's Litigation Department. As a trial attorney and appellate advocate, Mr. Goodman handles a diverse range of commercial litigation, with particular emphasis on complex matters and a concentration in real estate and real estate brokerage issues, as well as antitrust suits, corporate shareholders' and partnership disputes. He also is a member of the firm's Construction Practice Group and its Energy and Public Utilities Practice Group.

Several of Mr. Goodman's cases have resulted in published opinions that set precedents. For example, he conducted the lengthy trial in *In re: Opinion 26* (1995), in which the N.J. Supreme Court decided that buyers and sellers of residential real estate can choose to receive assistance from real estate brokers and title agents during the closing process as has been the practice in South Jersey and do not have to retain a lawyer as typically has been done in North Jersey. More recently, he argued before the N.J. Supreme Court in *Re/Max v. Wassau* (2000), where the court held that real estate salespeople are employees for purposes of workers' compensation. In another case, *H.I.P. v. K. Hovnanian* (1996), he successfully represented a developer regarding an advocacy group's claims that a development did not comply with the Fair Housing Act. Mr. Goodman also was lead counsel in a 12-year battle in *Mortgage Bankers Association of NJ v. NJ Real Estate Commission* (1995), in which the Appellate Division ultimately held that real estate licensees can receive a fee for providing mortgage-related services, including through the use of Computerized Loan Origination Systems ("CLOs").

In addition, in *Inter-City Tire and Auto Center v. Uniroyal* (1988), Mr. Goodman successfully defended a distributor in an antitrust suit who allegedly had conspired to

monopolize a certain market and fix prices. Similarly, in *G&W v. Borough of East Rutherford* (1995), he prevailed before the Appellate Court in an antitrust action in which his client was precluded from competing for business in a certain municipality. Mr. Goodman also represented a trade association and certain individual defendants in *State v. Arace Brothers* (1989), in which the Attorney General alleged that, over the course of 25 years, the defendants had allocated public contracts among themselves in violation of the Antitrust Act. Finally, in *New Jersey v. T.L.O.* (1985), the U.S. Supreme Court rendered a landmark decision circumscribing the scope of searches and seizures in public schools.

Mr. Goodman is a graduate of Rutgers College, *cum laude*, where he was selected to Phi Beta Kappa and the Political Science Honor Society, Phi Kappa Phi. He received a law degree from Rutgers-Newark School of Law, where he was a member of the Editorial Board of *Rutgers Law Review*. Upon graduating, he was honored by being awarded the Eli Jarmel Memorial Award for Public Interest Litigation.

Recently, Mr. Goodman was honored by being elected to the Trial Attorneys of New Jersey's Board of Trustees. He also is a member of the Hunterdon County, Middlesex County, New Jersey State and American Bar Associations, as well as the New Jersey State Bar Association's Real Property and Antitrust Sections, and the American Bar Association's Litigation and Antitrust Sections. In addition, he is the president elect of the Rutgers - Newark Law School Alumni Association and president of the United Way of Hunterdon County.

Peter A. Buchsbaum

Peter A. Buchsbaum is a partner of the firm in its Real Estate Department, chair of the firm's Land Use Practice Group and member of the Energy and Public Utilities Practice Group. Mr. Buchsbaum concentrates his practice in land use planning and related environmental, municipal and real estate issues.

Mr. Buchsbaum is a graduate of Cornell University (1967). He obtained his J.D. from the Harvard Law School in 1970. He began his legal career as law secretary to the Honorable Joseph Weintraub, then Chief Justice of the New Jersey Supreme Court.

A great deal of his work has involved Mt. Laurel cases and other efforts to obtain rezoning and regulatory approvals for private development. He has also represented public sector clients as general municipal counsel and also on specific issues which include formulation of redevelopment plans in Long Branch and Atlantic City, New Jersey. His work encompasses motion, trial and appellate litigation; development applications before local boards; and representation, and participation in advisory committees involving state agencies such as the New Jersey Council on Affordable Housing (COAH), the State Planning Commission; and the New Jersey Department of Environmental Protection.

He has served as a member of the legislative and appellate practice committees and as chair of the Land Use Section of the New Jersey State Bar Association. He has been a member of the Council of the American Bar Association's (ABA) State and Local Government Law Section and chaired its largest committee, the Land Use, Planning and Zoning Committee. In 2002 he was elected to the Section's honorary group, the Jefferson Fordham Society. He also is an adjunct professor at the Rutgers School of Law - Camden and a faculty associate of the Lincoln Institute of Land Policy in Cambridge, Massachusetts.

Mr. Buchsbaum has written an award-winning Courts column for New Jersey Reporter magazine and a column on recent developments in state and local government law for the ABA

section newsletter. He has written articles on land planning law in such periodicals as the Urban Lawyer, the Real Estate Law Journal and the New Jersey Law Journal, and has authored papers on innovative planning techniques for the American Planning Association and the National Endowment for the Arts. He co-edited a book on state growth management planning throughout the United States and has contributed to a Matthew Bender text on New Jersey land use law and ABA books on the trial of a land use case and hot topics in land use law.

Mr. Buchsbaum has served as first vice president of the ARC of NJ (formerly Association for Retarded Citizens) and is on the Board of COSAC, which advocates for the autism community. He is a trustee of the Hunterdon County Housing Corp and the Hunterdon County United Way. In November 2000, he was elected to the West Amwell Township Committee and now serves as deputy mayor.

He has spoken before the ABA, the American Planning Association, the New Jersey Judicial Conference, the New Jersey Institute for Continuing Legal Education and other groups. In 1994, he was appointed by Senate President Donald DiFrancesco to the New Jersey Law Revision Commission on which he still serves. In 2001, he was elected to the American College of Real Estate Lawyers and was named in *Who's Who In America*. Mr. Buchsbaum is listed in *The Best Lawyers in America* in the Real Estate category.

Lawrence P. Maher

Lawrence P. Maher is a partner of the firm, where he is a member of its Litigation Department and Banking & Creditors' Rights Practice Group. Prior to joining the firm in September 1996, he was a member of the former law firm of Mackenzie, Welt, Maher, North & Weeks in Woodbridge, New Jersey.

Mr. Maher concentrates his practice in banking and commercial law, with a particular emphasis on the representation of lenders in connection with the restructuring and "work out" of troubled loans, complex foreclosure and bankruptcy matters, and advising creditors on debt collection strategies. He represents major banks and other financial institutions. Mr. Maher also represents real estate investors and leasing companies in various aspects of their business.

A graduate of Fairfield University (1970), Mr. Maher received a law degree from Seton Hall Law School (1973). Following graduation, he clerked for New Jersey Superior Court Judge Nicholas Scalera from 1973-74.

Mr. Maher is a member of the Union County and New Jersey State Bar Associations. He is admitted to practice in New Jersey (1973) and before the U.S. District Court, District of New Jersey.

Thomas J. Denitzio, Jr.

Thomas J. Denitzio, Jr. is a partner of the firm in its Real Estate Department. Mr. Denitzio concentrates his practice in the following areas: the sale, acquisition, leasing and mortgage financing of commercial and industrial real estate; and real estate-related litigation, such as real estate tax appeals, mortgage foreclosures and workouts, tax sale certificate foreclosures, quiet title actions and condemnation valuation hearings.

Mr. Denitzio is a graduate, *cum laude*, of Lafayette College (1972) and received a law degree from Cornell University (1975). He joined Greenbaum, Rowe, Smith, Ravin, Davis &

Himmel LLP in 1989. Previously, Mr. Denitzio was a partner with another major New Jersey law firm.

Mr. Denitzio is a member of the American, New Jersey and Middlesex County Bar Associations. He is admitted to practice in New Jersey (1975) and New York (1982).

Robert S. Goldsmith

Robert S. Goldsmith is a partner of the firm where he is a member of its Real Estate Department and Land Use Practice Group. Mr. Goldsmith has a practice concentration in downtown redevelopment and representing Special Improvement Districts. He also has broad experience in employment discrimination, environmental litigation, commercial litigation, construction litigation, matters involving physician's hospital staff privileges, automobile franchise protests, real property tax appeals and appellate work. Mr. Goldsmith has litigated in the federal and state courts, as well as before the New Jersey Office of Administrative Law.

Since 1983, Mr. Goldsmith has served as counsel to the Morristown Parking Authority. He serves as counsel to Morristown Partnership, a Special Improvement District established in Morristown in 1994. From 1978 to 1990, Mr. Goldsmith served as special counsel to the Town of Morristown for the Headquarters Plaza Project, a \$100 million redevelopment venture in Morristown, where he handled all aspects of the negotiations, contracts and litigation relating to the project.

He is currently serving as special counsel to the City of Long Branch with respect to major redevelopment projects and is special counsel to the Borough of Princeton, Town of Westfield and City of Millville for redevelopment. He has also provided counsel with respect to redevelopment projects in Woodbridge, Newark, Rahway, South Amboy, Morristown and Phillipsburg. He also serves as counsel to Special Improvement Districts in the Wildwoods, Livingston, Seaside Heights, and Newark. He has provided counsel to SIDs in Westfield, Keyport, Collingswood, Jersey City, Teaneck, the Highlands, West Orange, Red Bank, Bound Brook, Seaside Heights, Ocean City and Summit, among others.

A graduate of Rutgers Law School, Newark (1977), Mr. Goldsmith clerked for the late Honorable Milton B. Conford, presiding judge of the Appellate Division (1977-78), serving as clerk to both the Superior Court, Appellate Division and the Supreme Court of New Jersey. Upon completing his clerkship, he practiced in Morris County with a Morristown law firm where he was a partner.

Mr. Goldsmith has served as an adjunct professor of environmental law in the Graduate Department of Urban Planning and Policy Development at Rutgers University; a lecturer in law at Rutgers Law School, Newark; and also has taught environmental law in the masters program for environmental engineering at the New Jersey Institute of Technology.

Mr. Goldsmith is a member of an ad hoc committee of the New Jersey Department of Community Affairs, which addresses the needs and concerns of Special Improvement Districts throughout the state. He is President of Downtown New Jersey and a member of its Executive Committee. He also is a member of the Morris County, New Jersey State and American Bar Associations. From 1981 through 1985, Mr. Goldsmith served as a member of the New Jersey Supreme Court Committee on Civil Practice and Procedure. He also is a former member of the Editorial Board of *New Jersey Lawyer*.

Mr. Goldsmith is admitted to practice in New Jersey (1977) and New York (1989).

John D. North

John D. North is a partner of the firm where he is a member of its Litigation Department and Banking & Creditors' Right Practice Group. Prior to joining the firm in September 1996, he was a partner of the former law firm of Mackenzie, Welt, Maher, North & Weeks in Woodbridge, New Jersey.

Mr. North is a certified civil trial attorney who has successfully tried numerous jury and non-jury cases. He concentrates his practice both in commercial litigation and in professional liability and negligence matters.

Mr. North is a graduate of Lehigh University (1971) and received a law degree from the University of Maryland (1977). He is a member of the Litigation Section of the American Bar Association and a member of the Union County and New Jersey State Bar Associations. He was elected to the American Board of Trial Advocates in 2001. Mr. North also is an associate member of the Association of Trial Lawyers of America.

Mr. North is admitted to practice in New Jersey (1977); before the U.S. District Court, District of New Jersey (1977); and before the U.S. Court of Appeals, Third Circuit (1985).

Kenneth T. Bills

Kenneth T. Bills is a partner of the firm in the Real Estate Department and member of the Energy and Public Utilities Practice Group. He concentrates his practice in the representation of owners, developers, tenants and financial institutions in real estate matters. Mr. Bills joined the firm in 1981. He is admitted to practice in New Jersey and the U.S. District Court (1979).

Mr. Bills' expertise in real estate-based lending qualifies him to represent both financial institutions and property owners. He has substantial experience in the negotiation and preparation of commercial leases. Mr. Bills also concentrates in protecting the interests of owners and developers of real estate, including the negotiation of sales and purchases, identification and resolution of title problems, the obtaining of land use, environmental and other governmental permits and approvals, and the preparation of contracts with design professionals and contractors.

Mr. Bills is a graduate of Haverford College (1976), *magna cum laude*, where he was elected to Phi Beta Kappa. He earned his law degree from Rutgers University School of Law, Newark (1979), where he received the Morris Gann Prize in Evidence, the Prentice Hall Federal Tax Award, and the Anthony Engelbrecht Prize for maintaining the highest grade point average during his senior year. He served as an editor of the Rutgers Law Review and graduated with high honors. Upon graduation from law school, Mr. Bills joined a litigation firm concentrating in the representation of surety bonding companies in disputes related to distressed construction projects.

Mr. Bills is a member of the Real Property and Probate and Land Use Law Sections of the New Jersey State Bar Association, and is also a member of the Christian Legal Society. He has lectured on real estate closing procedures for the New Jersey Institute of Continuing Legal Education.

Thomas C. Senter

Thomas C. Senter is a partner of the firm, where he is a member of its Tax, Trusts & Estate Department and chair of its Employee Benefits Practice Group.

Mr. Senter concentrates his practice in all aspects of employee benefits which includes the design and drafting of qualified and non-qualified retirement and incentive compensation plans, including employee stock ownership plans, 401(k) plans, stock option plans and equity based compensation arrangements. He also counsels clients on executive compensation matters, fiduciary issues under ERISA and on issues pertaining to the design and operation of health and welfare plans.

In addition, Mr. Senter's practice includes counseling clients on general tax and estate matters at both the federal and state levels and working with attorneys in other areas of the firm's practice including corporate, bankruptcy and real estate, with regard to employee benefit and tax issues relating to such practice areas.

Mr. Senter has published and lectured extensively on various employee benefits and tax topics. His articles have appeared in the *Journal of Pension Planning & Compliance*, the *New Jersey Law Journal*, *Rohan on Real Estate Financing* and the *Tax Management Real Estate Journal*. He previously served on the Editorial Board of the *Journal of Pension Planning & Compliance*, a leading national journal in the employee benefits field. He is active in the American and New Jersey State Bar Associations and is a member of their tax sections and employee benefits subsections.

A graduate of the Wharton School of the University of Pennsylvania (1976), Mr. Senter received his law degree from St. John's University School of Law (1979) and a Master of Laws in Taxation from New York University School of Law (1982). He is admitted to practice in New York (1980) and New Jersey (1981).

Margaret Goodzeit

Margaret Goodzeit is a partner of the firm in its Litigation Department. Ms. Goodzeit concentrates her practice exclusively in the area of family law including divorce, custody, support, equitable distribution, adoptions, and prenuptial and palimony agreements.

Ms. Goodzeit has appeared before the Family Part of the Chancery Division of the Superior Court and the Appellate Division and Supreme Court on appellate matters. She is a Certified Mediator for the American Arbitration Association and is an Early Settlement Panelist for matrimonial matters pending in the Family Part of the Chancery Division of the Superior court.

A lecturer on family law and related tax issues, Ms. Goodzeit has also published articles in *New Jersey Family Lawyer* and is a member of the Editorial Board of *New Jersey Lawyer, the Magazine*, and is the articles editor of *New Jersey Family Lawyer*.

Ms. Goodzeit graduated *summa cum laude* from Lehman College of the City University of New York with a bachelor degree in Accounting (1977), and received her law degree from Columbia Law School (1980). She joined the firm as an associate in 1985 and became a partner in 1988.

Ms. Goodzeit is a member of the Executive Committee of the New Jersey State Bar Association and a member of the Family Law Sections of the New York State, Somerset County and Middlesex County Bar Associations.

She is admitted to practice in New York (1981) and New Jersey (1984).

Robert J. Kipnees

Robert J. Kipnees is a partner of the firm, where he is a member of its Litigation Department and White Collar Criminal Defense Practice Group.

Mr. Kipnees concentrates his practice in complex white collar criminal cases, including securities fraud, tax fraud, antitrust and environmental crimes and political corruption cases. He brings to bear in defending firm clients many years of experience, including significant trial experience in both prosecution and defense work. Mr. Kipnees also handles complex civil securities fraud cases, criminal and civil RICO cases, and complex civil fraud cases. He has assisted in the criminal defense of several public figures, including, most recently, the successful defense at trial of an executive with a major paper company accused of participating in an international price fixing conspiracy. Mr. Kipnees has also defended against criminal charges a director of the New York Federal Reserve Bank, a principal of a major currency futures firm, an accountant, a municipal engineer, and a prominent corporation listed on the New York Stock Exchange, among others.

Mr. Kipnees is a graduate, *cum laude*, of Cornell University College of Arts and Sciences (1977) and received his law degree, *cum laude*, from Harvard Law School (1980). Upon graduation from law school, he practiced litigation with a major New York City law firm and later became an Assistant U.S. Attorney for the District of New Jersey. During his tenure at the U.S. Attorney's Office from 1982-1985, he worked in both the general criminal division and in the special prosecutions (political corruption) divisions. Some of the cases which Mr. Kipnees handled during this time dealt with political corruption in several municipalities in the state, including Morristown, Union City and Edison. Mr. Kipnees joined the firm in 1985 and has practiced with a particular emphasis on defending white collar criminal cases.

Mr. Kipnees is a member of the American Bar Association and its Sections of Litigation and Criminal Justice. He is also a member of the Association of the Bar of the State of New York, New York State and New Jersey State Bar Associations, and the National Association of Criminal Defense Lawyers. Since 1993, he has been an adjunct professor of law at Seton Hall Law School, where he teaches a course on White Collar Criminal Practice. Mr. Kipnees is also the author of "Criminal Trial Preparation," published by the New Jersey Institute of Continuing Legal Education, and has also lectured frequently for that organization on the subject of criminal law.

Mr. Kipnees is admitted to practice in New Jersey and New York (1981); U.S. District Court, District of New Jersey (1981); Eastern and Southern Districts of New York (1981); 3rd Circuit Court of Appeals (1985); U.S. Supreme Court (1992); U.S. District Court, Eastern District of Wisconsin (1995); and U.S. Tax Court (2000).

W. Raymond Felton

W. Raymond Felton is a partner of the firm in its Corporate Department.

Mr. Felton concentrates his practice in the areas of corporate and securities law. He has had extensive experience representing both buyers and sellers of small and medium-sized businesses as well as handling their financing transactions. These transactions include equity offerings and borrowings from banks and from private parties. His clients include start-up and

emerging companies in a number of industries including high-tech, as well as more mature and established companies.

In addition, Mr. Felton has significant experience in securities law, primarily representing issuers and underwriters in public and private offerings and in market regulation compliance. He has also represented a number of financial institutions in both lending and loan servicing transactions. He has been involved in a number of corporate reorganizations, joint ventures, and similar matters, and he provides general counseling advice to a number of the firm's clients. Mr. Felton is listed in *The Best Lawyers in America* in the Corporate Section.

Mr. Felton is a graduate of Rutgers College, New Brunswick (1978). He received his Juris Doctorate Degree in 1981 from Rutgers Law School in Newark, where he served as Research Editor of the Rutgers Law Review. He has practiced with the firm since 1981 and became a partner in 1988.

Mr. Felton is a member of the New Jersey State Bar Association, the American Bar Association, its Section on Business Law, and the Middlesex County Bar Association. Since 1990, he has been a member of the Board of Directors of the Section on Corporate and Business Law of the New Jersey State Bar Association and became chair of that Section in 2002. He is also a lecturer for the New Jersey Institute for Continuing Legal Education (ICLE) and the author of *Organization and Sale of Small Businesses*, published by ICLE in 1995, and updated in 1998 and 2000, and numerous articles in various publications.

Mr. Felton is admitted to practice in New Jersey, the United States District Court for the District of New Jersey and the United States Tax Court.

Christine F. Li

Christine F. Li is a partner of the firm in its Real Estate Department. Ms. Li concentrates her practice in condominium and planned real estate development law; the acquisition and financing of commercial and residential real estate; leasing; and the representation of community associations. Ms. Li has extensive experience with the registration of planned real estate developments with the New Jersey Department of Community Affairs.

Ms. Li is the author of the textbook entitled, *Real Estate Closing Procedures, Practical Skills Series*, her fifth edition of which was published in 2000 by the New Jersey Institute for Continuing Legal Education (ICLE). Since 1988, Ms. Li has served as an instructor of the New Jersey Real Estate Law and Practice seminar the Practical Skills Series of ICLE, and has lectured in the following ICLE programs: "*Dealing with Community Associations*," "*Resolving Current Problems in Real Estate Transactions*," "*The Greying of Condominium Law*," and "*Community Association Law: Emerging Opportunities for the 1990's*." In 2000, ICLE awarded Ms. Li a Distinguished Service Award for excellence in continuing legal education.

Ms. Li serves as an elected member of the Board of Directors and vice president of the New Jersey Chapter of the Community Associations Institute (CAI). She is a mediator certified by CAI in the area of alternative dispute resolution. She also has been a lecturer for CAI and served as a member of its Education Task Force in 1993 and of its Uniform Common Interest Ownership Act Task Force in 1994. She was a member of the Legislative Committee of CAI during 1996 and of its Editorial Committee during 2000 and 2001. Ms. Li has also lectured for the New Jersey Land Title Institute and other professional and trade organizations. Ms. Li is a member of the Asian Pacific American Lawyers Association of New Jersey.

Ms. Li is a graduate of Rutgers College, Rutgers University, and received her law degree from the University of Pennsylvania Law School. She joined the firm in 1983. Prior to that Ms. Li was employed by City Federal Savings and Loan Association and a large firm in Newark, New Jersey.

Ms. Li is admitted to practice in New Jersey and before the U.S. District Court, District of New Jersey.

Meryl A. G. Gonchar

Meryl A.G. Gonchar is a partner of the firm in its Real Estate Department and Land Use Practice Group. She concentrates her practice in land use and zoning, land use litigation, and real estate financing. She has appeared before planning and zoning boards throughout the state on behalf of developer clients in connection with residential, commercial and industrial projects of various sizes and levels of complexity. She also represents clients in land use and related litigation before the Superior Court of New Jersey.

In addition to land use work, Ms. Gonchar's practice includes representation of lenders and borrowers in all types of real estate based financing. Her diversified experience enables her to assist clients throughout the various stages of a project's development, from acquisition through approvals and permitting, financing, leasing or sales, providing extensive knowledge and continuity throughout the often long and complicated process of land development.

Ms. Gonchar has spoken and written on a variety of land use related topics and has served as a lecturer for the New Jersey Association of Realtors - Graduate Realtor Institute, the Atlantic Builders Conference, the Institute for Continuing Legal Education and before various financial institutions and professional organizations. She is the co-author of "Zoning and Land Use Litigation," Chapter 12 in Matthew Bender & Co., Inc., *New Jersey Land Use and Environmental Law*, 1993.

She is vice chair of the Board of Directors of the Land Use Law Section of the New Jersey State Bar Association and is a member of the Section of Urban, State and Local Government Law of the American Bar Association. She has served as a mentor to a law class at North Brunswick Township High School through the New Jersey State Bar Foundation Mentor Program and as a mentor in land use law to other attorneys through the Middlesex County Bar Association. Ms. Gonchar also serves as a member of the Board of Trustees of the George Street Playhouse in New Brunswick and is a member of the Board of Industrial/Commercial Real Estate Women - New Jersey (ICREW-NJ), where she holds the position of Delegate to Commercial Real Estate Women (CREW) Network, a national organization. Ms. Gonchar is also a member of the Board of Directors of The Jewish Federation of Greater Middlesex County.

Ms. Gonchar is a 1981 graduate of Rutgers School of Law in Newark. She joined the firm as an associate in March 1984 and became a partner on January 1, 1990. She is admitted to practice in New Jersey (1981).

Michael K. Feinberg

Michael K. Feinberg is a partner of the firm in its Tax, Trusts & Estates Department. He concentrates his practice in the areas of estate planning, wills and trusts, elder law, estate administration, tax and business planning for individuals, corporations, partnerships and limited

liability companies, and tax controversies. He is admitted to practice in New Jersey and New York and has been with the firm since 1984.

Mr. Feinberg received his undergraduate degree in economics from Bucknell University (1978). He graduated with honors from George Washington University Law School (1981). He received a Masters in Law in Taxation from New York University School of Law (1982).

Mr. Feinberg is a member of the American College of Trust and Estate Counsel, the national peer group of trust and estate practitioners and the National Academy of Elder Law Attorneys, the prestigious group of elder law specialists. He also is active in various other professional and service organizations. He is a member of the New Jersey State Bar Association Taxation Committee, a member of its Real Property, Trust and Probate Section, a member of its Section on Aging and the Law and president of the Woodbridge Rotary Scholarship Foundation, Inc. Mr. Feinberg also is a past president of the Tri-County Estate Planning Council, former vice chair of the Elder Law Committee of the American Bar Association Section of General Practice, and past chair of the Probate and Trust Section of the Middlesex County Bar.

Mr. Feinberg is a frequent lecturer and author on tax, estate planning and elder law topics. Included in his lecturing have been several appearances at the New Jersey State Bar Association Annual Meeting and numerous appearances before various chapters of the New Jersey and New York CPA Societies. The following are some of the articles he has authored: "Medicaid After OBRA '93 As It Impacts on Long-Term Care Planning," *New Jersey Lawyer*, October, 1994; "Using the \$125,000 Exclusion," *ABA General Practice Update*, April 1991; "Healthy Financial Planning for Nursing Home Care," *New Jersey Lawyer*, January/February 1991; "A Financial Planner for Nursing Home Care," *New Jersey Law Journal*, August 24, 1989; "Basis of Inherited Property," Matthew Bender & Co., Inc., *Benders Federal Tax Service* (1989); "Requirements and Structuring of Like-Kind Exchanges," *Middlesex County Bar Journal*, April 1989; (Co-Author) "Impact of the Tax Reform Act of 1986," Ch. 19 in Volume 5, P. Rohan, *Real Estate Financing* (1987); and (Co-Author) "Impact of the Tax Reform Act of 1984 Upon Real Estate Transactions," Section 2.06[4] in Volume 4, P. Rohan, *Real Estate Financing* (1985).

Steven S. Goldenberg

Steven S. Goldenberg is a partner of the firm and is chair of its Energy and Public Utilities Practice Group. He concentrates his practice in public utility law, with a particular emphasis on energy regulatory matters. Mr. Goldenberg has been selected by his peers for inclusion in *The Best Lawyers in America* in the Public Utility category. A registered New Jersey Legislative Agent (lobbyist), Mr. Goldenberg represents marketers of natural gas and electric power, independent power producers and telecommunications and energy industry trade groups before state regulators.

He has served as Regulatory Counsel to the Enron Corporation and was lead counsel for the competitors of the state's investor-owned utilities in the electric industry restructuring hearings convened by the New Jersey Board of Public Utilities. He serves as Regulatory Counsel to Shell Energy in the continuing electric and natural gas industry restructuring hearings. He has also been actively involved in significant privatization and governmental procurement initiatives at the state, county, and local levels on behalf of several national and international corporations.

Prior to joining Greenbaum, Rowe, Smith, Ravin, Davis & Himmel in 1995, he served as head of the litigation department of the Princeton, New Jersey office of a major regional law firm

where he concentrated his practice in governmental affairs counseling and environmental and business litigation. He has been responsible for the litigation of anti-trust, corporate, franchise, securities, business tort, insurance and administrative law matters on behalf of Fortune 500 and other companies.

Mr. Goldenberg also served a seven-year tenure as Special Counsel to the New Jersey Board of Public Utilities and Department of Environmental Protection and Energy and was legal counsel to then-BPU President Christine Todd Whitman, the former governor of New Jersey.

Mr. Goldenberg obtained a master of public administration degree in 1976, *cum laude*, from New York University and a bachelor of arts degree in 1974, *cum laude*, from the State University of New York where he majored in political science. He is a 1980 graduate of the Benjamin N. Cardozo School of Law of Yeshiva University. After his graduation, he served as law clerk to the Honorable David B. Follender, J.S.C.

Mr. Goldenberg is a member of the Association of the Federal Bar of New Jersey and the Litigation and Public Utility Sections of the New Jersey, New York State, and American Bar Associations. He is also active in several business associations and has served as a member of the Legal Affairs Committee of the New Jersey Business and Industry Association. Mr. Goldenberg was named by the New Jersey Law Journal as one of New Jersey's top ten lawyer/lobbyists and is listed in the *Who's Who in American Law*. He is admitted to practice in New Jersey and New York.

Carlton T. Spiller

Carlton T. Spiller is a partner of the firm, where he is a chair of its Insurance Practice Group and a member of the Litigation Department.

Mr. Spiller concentrates his practice in insurance coverage litigation involving environmental, construction defect, and professional liability claims. Mr. Spiller has handled a number of the complex environmental coverage matters involving claims in excess of \$100 million with contaminated sites located in states throughout the country. Mr. Spiller has also handled many construction litigation claims, resolving Fire Retardant Treated plywood claims and construction defect claims for many of New Jersey's largest builders, developers and general contractors. Mr. Spiller has also participated with Paul Rowe, chair of the firm's litigation department, as lead counsel in the Mutual Benefit Insurance Co. Rehabilitation, the largest insurance rehabilitation proceeding in U.S. history. Mr. Spiller has also litigated claims arising under professional liability policies, first party property policies, and employment related practices insurance policies, and Brownfields insurance policies.

Mr. Spiller also has noted experience handling numerous complex commercial litigation including minority shareholder disputes, contract claims and banking litigation.

Mr. Spiller received a Bachelor of Arts degree from Rutgers University (1976). While an undergraduate, he authored and directed a documentary film on poets in New Jersey featuring William Carlos Williams and his poem "Paterson." He is a graduate of Seton Hall University School of Law (1982). Upon graduation from law school, Mr. Spiller clerked for the Honorable Edwin Stern, Appellate Division of the Superior Court of New Jersey. As a law clerk, he was involved in the first death penalty case under the then recent statute and participated in drafting many of the opinions concerning the constitutionality of the death penalty statute.

Mr. Spiller is admitted to practice in New Jersey, the Federal District Courts in New Jersey, and the U.S. Circuit Court of Appeals for the Third Circuit. Mr. Spiller is a member of

the New Jersey State and Middlesex County Bar Associations, the Environmental Section of the New Jersey State Bar Association and the American Bar Association.

Joseph M. Oriolo

Joseph M. Oriolo is a partner of the firm in its Corporate Department. Mr. Oriolo concentrates his practice in the representation of both privately held and public businesses as well as individuals in various sectors of the economy. His practice includes corporate mergers and acquisitions, leveraged acquisitions, partnerships and joint ventures, commercial real estate transactions, asset and real estate based financing, leases, management and employment agreements, distribution and licensing agreements, business planning and organization. He also has extensive experience negotiating, drafting and counselling in all aspects of corporate practice.

Mr. Oriolo is a member of the Middlesex County, New Jersey and Pennsylvania Bar Associations, and the Business Law Section of the American Bar Association. He is chair of the Corporate and Business Law Committee of the Middlesex County Bar Association and is an active member in the Georgetown University and Rutgers Law School Alumni Associations.

A graduate of Georgetown University where he received a bachelor of science degree in finance (1980), Mr. Oriolo also studied at Oxford University, Oxford, England (1979). He received his law degree from Rutgers University Law School, Camden (1983). He is admitted to practice in New Jersey and Pennsylvania and before the U.S. District Court, District of New Jersey (1983).

Lloyd H. Tubman

Lloyd H. Tubman is a partner of the firm in its Real Estate Department, chair of the Environmental Law Practice Group, and member of the Land Use Practice Group and the Energy and Public Utilities Practice Group. A land use and environmental lawyer, she concentrates her practice in zoning approvals and in federal and state environmental compliance, with broad development planning and regulatory enforcement, as well as particular wetlands, water quality, flood hazard area and utility experience.

Ms. Tubman was a negotiator and author of the New Jersey Freshwater Wetlands Protection Act. She is a member of the Board of Directors of the Land Use Law Section of the New Jersey Bar Association and a member of the New Jersey Tidelands Resource Council. She is counsel to the New Jersey Chapter of NAIOP, the National Association of Industrial and Office Properties, and has received special recognition awards from NAIOP and the New Jersey Chapter of the National Conference of Christians and Jews for service to the development community.

Ms. Tubman is a graduate, *summa cum laude* and Phi Beta Kappa, of the University of Minnesota and, *cum laude*, of the University of Minnesota Law School.

Aron M. Schwartz

Aron M. Schwartz is a partner of the firm in its Litigation Department and is chair of the Labor & Employment Law Practice Group.

Mr. Schwartz concentrates his practice in employment law litigation and counseling, primarily for management. He has extensive litigation experience in state and federal courts, before administrative agencies, and in arbitration proceedings and mediation. He is also a seasoned appellate attorney at the state and federal levels.

Mr. Schwartz's practice includes defense of employment discrimination, whistleblower and wrongful discharge claims of all types; employment policy & handbook drafting and review; and negotiation of employment contracts, non-competition agreements, and restrictive covenants, and related litigation.

Mr. Schwartz is experienced in public sector labor law for management and civil rights litigation defense and also has a practice concentration in school law and college and university law. Throughout his career he has been extensively involved in representing local school districts, colleges and universities (including Rutgers University, Fairleigh Dickinson University, state and county colleges, and other educational institutions) and municipal and other public entities in labor and employment and other matters. Additionally, he is experienced in the defense of defamation cases.

Before joining the firm in 1999, Mr. Schwartz was with another New Jersey law firm for more than 19 years. Prior to that, he served as deputy attorney general in the New Jersey attorney general's office.

Mr. Schwartz is a graduate of the University of Rochester (1974) and earned his law degree from Duke University School of Law (1976). He is a member of the Morris County Bar Association, where he served as a trustee from 1996 to 2000 and as editor of the Association's newsletter, *The Morris Lawyer*, from 1994-98. He is also a member of the New Jersey State and American Bar Associations, and the National Association of College and University Attorneys. Mr. Schwartz is a past chair of the New Jersey Supreme Court District X Ethics Committee.

Mr. Schwartz is admitted to practice in New Jersey (1976).

Thomas Daniel McCloskey

Thomas Daniel McCloskey is a partner of the firm in the Litigation Department. A practicing litigation and trial attorney for 19 years, Mr. McCloskey concentrates his practice in complex commercial, building/construction, corporate and business litigation matters. He is also a member of the firm's Construction and Land Use Practice Groups. Prior to joining the firm, he was principal of the Law Offices of T. Daniel McCloskey, Esq., A Professional Corporation in Holmdel.

Mr. McCloskey is experienced in the New Jersey state and federal court systems. He has represented owners, banks, builder/developers, Fortune 500 companies, design professionals, physicians and physician groups, accountants, lawyers, entertainers and entertainment companies in business formations and corporate counseling; financing; lender liability litigation; individual and corporate contracting, commercial transactions and contract disputes; product liability claims and litigation; trade name, trademark, service mark and copyright infringement litigation; condemnation counseling and litigation; residential, commercial and industrial real estate development, land use, zoning/planning and redevelopment law; general aviation and related land use issues; fidelity and surety claims; employment discrimination and wrongful discharge claims and disputes; and, in all types of related litigation, trials (jury and non-jury), appeals, arbitrations and alternate dispute resolution.

Mr. McCloskey has several published decisions to his credit from the appellate courts of New Jersey. Among his many professional accomplishments include his serving as a lead counsel and special litigation counsel to major New Jersey builder/developers, and consultant to numerous out-of-state builder/developers, in the prosecution, defense and successful settlement of defective fire-retardant treated (FRT) plywood roof sheathing claims since 1988, state-wide and nationwide. His most recently published trade-related article entitled, "*Public Bidding Alert: Beware of the Tripwires in New Jersey's New Public Works Contractor Registration Act,*" appeared in the special Real Estate section of the *New Jersey Law Journal*, 164 N.J.L.J. 1158 (June 18, 2001) and the New Jersey Institute of Municipal Attorneys' *Municipal Law Review* (Vol. 24, Number 2, June 2001).

A graduate of Seton Hall University (1980), Mr. McCloskey received his law degree from Seton Hall University School of Law (1983). He is a member of the American, New Jersey State, and Monmouth, Middlesex and Somerset County Bar Associations, and The Association of Trial Lawyers of America. He serves on the Construction Litigation Committee and the Condemnation, Zoning & Land Use Committee of the ABA. Mr. McCloskey previously served as a member of the "President's Advisory Board" for the board of trustees of the Southern New Jersey Chapter of the Leukemia and Lymphoma Society (LLS-SNJ), and is a former trustee for the LLS-SNJ chapter board. He has served as a member of the Red Bank Rotary Club.

An avid runner and marathoner, Mr. McCloskey is an active member of the Jersey Shore Running Club, Inc. and the New York Road Runners Club, Inc., and has served as a coordinator, trainer and coach for the Leukemia and Lymphoma Society's "Team-in-Training" marathon program in New Jersey. In 1996, he co-founded "The New Jersey Shore Marathon," a "world-class" USAT&F-sanctioned marathon which serves as a fund-raiser to benefit various local and national children's charities. He served as its executive producer, executive director and co-race director from 1996 until his retirement from event organization in 2000. Mr. McCloskey also is an event development, promotions and sports marketing consultant and has served as an expert witness in areas involving marathon and road running event development, race administration and management.

Mr. McCloskey is admitted to practice in New Jersey (1983), the U.S. District Court for the District of New Jersey (1983), and the U.S. Circuit Court of Appeals for the Third Circuit (1995).

Sabrina A. Kogel

Sabrina A. Kogel was graduated from Vassar College in 1978 and, in 1982, earned her law degree from New York Law School, where she was Notes and Comments Editor of the *Journal of International and Comparative Law* and a member of the Moot Court Board. Ms. Kogel was admitted to the New Jersey bar in 1984 and to the New York bar in 1983. She initially was in general practice in New York City.

From 1984-1986, Ms. Kogel was Law Clerk to the Honorable Serena Perretti, then U.S. Magistrate, U.S. District Court for the District of New Jersey. After a two year association with another New Jersey firm, in 1988 Ms. Kogel joined this firm's litigation department.

Ms. Kogel has a broad background in the resolution of commercial disputes, representing individuals, partnerships and closely held corporations. The areas within Ms. Kogel's experience have included, among other things, trade secret protection, unfair competition, partnership and corporate disputes, construction related matters, disputes between cooperative

corporations and their converting sponsors, financial and construction defect disputes between developers, cooperative corporations and condominium associations and representing the interests of both lenders and cooperative corporations in distress situations including foreclosures and bankruptcies.

Ms. Kogel is a member of the Middlesex County, New Jersey and New York State, and American Bar Associations.

Jacqueline M. Printz

Jacqueline M. Printz is a partner of the firm in its Litigation Department. Ms. Printz concentrates her practice in the areas of matrimonial litigation and general commercial litigation.

Ms. Printz is a graduate, *summa cum laude*, of the University of Pennsylvania (1981). She received her Juris Doctorate from New York University Law School (1984). She has practiced with the firm since 1985.

A member of the New Jersey Supreme Court Committee on the Rules of Evidence, Ms. Printz has worked for the Essex, Mercer, and Middlesex County Early Settlement Panel programs. She has also served as an adjunct professor at Seton Hall Law School. Ms. Printz is a member of the Essex County, New Jersey State, and American Bar Associations.

Ms. Printz is admitted to practice in New Jersey (1985).

Lawrence H. Wertheim

Lawrence H. Wertheim is a partner of the firm in its Litigation Department. Mr. Wertheim concentrates his practice in commercial litigation, with a particular emphasis on restrictive covenant litigation, real estate disputes, community association litigation, franchise law, consumer law, and general business disputes.

Mr. Wertheim is the author of a chapter concerning the enforcement of restrictive covenants by community associations which appears in the book entitled, *New Jersey Condominium and Community Association Law*, published by Gann Laws Books (2001). He also has lectured before the Chancery Section of the Middlesex County Bar Association on the topic of the enforcement of restrictive covenants by community associations. In addition, Mr. Wertheim gives periodic lectures on franchise law in conjunction with the Small Business Development Center. He is a current member of the New Jersey State and Middlesex County Bar Associations. Mr. Wertheim is a certified mediator and served as the chairperson of the Middlesex County Bar Association's Committee on Alternative Dispute Resolution.

Mr. Wertheim received a bachelor of arts degree from the University of Pennsylvania (1982). Concurrently, he earned a degree from the Wharton School of Business and Finance (B.S.E., 1982). He received a law degree at Boston University School of Law (1985), where he was named a G. Joseph Tauro Scholar.

Mr. Wertheim is admitted to practice in New Jersey (1985) and New York (1986).

David B. Himelman

David B. Himelman is a partner of the firm in its Real Estate Department, Environmental Law Practice Group, Land Use Practice Group and Energy and Public Utilities Practice Group. He concentrates his practice in environmental law, in both litigation and regulatory matters. In

addition, he has a practice concentration in the areas of land use, administrative and municipal law. He also represents clients in the health care industry.

Mr. Himelman served as New Jersey State Senator to complete the unexpired term of former state Senator Jack Sinagra (R-Middlesex) of the 18th District from November 2001 to January 2002. Mr. Himelman served as North Brunswick Township Attorney from 2000 through 2001. He served as Labor Counsel for the Township of North Brunswick from 1999 through 2001. Mr. Himelman also serves as Attorney to the Borough of Milltown Planning Board, and the Ford Avenue Redevelopment Agency (Milltown). He served as counsel to Franklin Township (Somerset County) Municipal Ethics Board in 1997. Mr. Himelman served as East Brunswick Township Attorney from 1994 through 1996. Mr. Himelman served as counsel to East Brunswick Sewerage Authority from 1991 through 1994. Before joining a law firm, he also served as assistant appointments counsel to former Governor Thomas H. Kean.

Mr. Himelman also represents clients involved in the health care industry, most notably, The Health Care Payers Coalition of New Jersey and Purchasing Cooperative.

A graduate of Rutgers University (1983), Mr. Himelman participated in the Eagleton Institute of Politics Undergraduate Associate Honors Program and received his law degree from the University of Bridgeport Law School (1986).

Mr. Himelman is a member of the New Jersey State and Pennsylvania Bar Associations, as well as the New Jersey Bar Association Environmental Law Section. He is an active member of numerous community, charitable and professional organizations and serves on the board of directors of the East Brunswick Jewish Center. He also has served on the New Jersey Banking Advisory Board. He is admitted to practice in New Jersey, Pennsylvania, and before the U.S. District Court, District of New Jersey.

Gary K. Wolinetz

Gary K. Wolinetz is a partner of the firm in its Litigation Department. Mr. Wolinetz concentrates his practice in complex commercial, real estate and trust and estate litigation.

A graduate of Rutgers University in 1984, Mr. Wolinetz received his law degree from Rutgers Law School, Camden, in 1987. He served as a judicial clerk to the Honorable Freda L. Wolfson, United States District Court, Trenton, for the 1987-1988 term. He has been with the firm since 1989. Mr. Wolinetz has served as an adjunct professor at Rutgers Law School, Camden, teaching pretrial advocacy.

Mr. Wolinetz co-authored the books *Civil Trial Preparation* (2000) and *Civil Trial Preparation* (2001), and has lectured on civil litigation for the New Jersey Institute for Continuing Legal Education. He has also authored or co-authored numerous articles including: "When Slavery wasn't a Dirty Word in New Jersey," 8 *New Jersey Lawyer* 327 (February 15, 1999); "New Jersey Slavery and the Law," 50 *Rutgers Law Review* 2227 (1998); "Civil Jury Trials Under the New Jersey Constitution," *New Jersey Lawyer Magazine* (June 1997) (co-author); "25 Years of the New Jersey Antitrust Act," 26 *Seton Hall Law Review* 637 (1996) (co-author); "Courts Should Preserve Summary Dispossess Actions," *New Jersey Law Journal* (June 24, 1996); "Applying the Attorney-Client Privilege to In-House Counsel," *Metropolitan Corporate Counsel* (November 1995) (co-author); "Can Untimely Attempts to Exercise Renewal Options be Enforced?" *New Jersey Law Journal*, (October 16, 1995); and "The Right to a Civil Jury Trial in New Jersey," 47 *Rutgers Law Review* 1461 (Summer 1995) (co-author).

Mr. Wolinetz is admitted to practice in New Jersey, Pennsylvania, the U.S. District Court of New Jersey, the U.S. Court of Appeals for the Second and Third Circuits, and the United States Supreme Court. He is on the roster of approved mediators for the Superior Court of New Jersey. Mr. Wolinetz is a member of the New Jersey State and Middlesex County Bar Associations and the Association of the Federal Bar of the State of New Jersey.

Mr. Wolinetz is a resident of Plainsboro, New Jersey, is the vice-chairman of the Plainsboro Zoning Board of Adjustment, and serves on the Board of Directors for the Epilepsy Foundation of New Jersey.

Kevin T. McNamara

Kevin T. McNamara is a partner of the firm, where he is chair of the Banking & Creditors' Rights Practice Group. Prior to joining the firm in September 1996, he was a partner of the former law firm of Mackenzie, Welt, Maher, North & Weeks in Woodbridge.

Mr. McNamara concentrates his practice in banking and commercial law and represents major banks and other financial institutions. He practices with a particular emphasis on the representation of lenders in complex loan transactions and has significant expertise in all aspects of this area of practice.

A graduate of the University of Notre Dame (1982), Mr. McNamara received a law degree from Seton Hall Law School (1987). He is a member of the New Jersey State Bar Association and is the chairman of its Financial Transactions Committee, and he is also a member of the New Jersey Mortgage Bankers Association. He has served as an instructor on Law and Banking for the American Institute of Banking. Mr. McNamara also served on the Board of Directors of the Red Cross, Middlesex County Chapter.

Mr. McNamara is admitted to practice in New Jersey and before the U.S. District Court, District of New Jersey (1987).

Daniel M. Murphy

Daniel M. Murphy is a partner of the firm in its Real Estate Department. He concentrates his practice in the areas of land use, real estate development and community association law.

Mr. Murphy has extensive experience in all aspects of real estate development. His expertise includes land acquisition and lease transactions, the formation and governance of community associations, analysis of project feasibility, project financing, management of site development teams and the processing of land development applications with government agencies.

Mr. Murphy represents condominium and homeowner's associations as well as cooperative corporations located throughout New Jersey. He also represents real estate developers in the acquisition, approval and sale of residential and commercial real estate development projects.

He has extensive experience in working with state, county and municipal planning boards and boards of adjustment; obtaining approvals of planned unit developments, subdivisions, and site plans; and processing applications involving wetlands, water quality, sewer extension, and utility service before the New Jersey Department of Environmental Protection and other agencies.

Prior to joining the firm, Mr. Murphy was a partner with another major New Jersey law firm in Princeton, where he also practiced in the Community Association, Land Use and Real Estate Practice Groups. Prior to that, he served as legal counsel and project attorney to K. Hovnanian Enterprises, Inc., headquartered in Red Bank, NJ, where he managed the acquisition and approval of dozens of planned real estate development projects. He was also responsible for coordinating the site investigation phase of each proposed project including the political, financial, physical and environmental aspects of the project.

A graduate of Bucknell University, Mr. Murphy received a degree in civil engineering in 1984 and received his law degree from St. John's University School of Law in 1987. He is active in several professional organizations including the New Jersey Builders Association, the Central Jersey Builders Association and the Community Associations Institute.

Mr. Murphy is admitted to practice in New Jersey and New York.

Richard L. Hertzberg

Richard L. Hertzberg is a partner with the firm in its Litigation Department. He concentrates his practice in commercial litigation and professional liability defense. He has handled matters involving issues of lender liability, partnership law, insurance law, ERISA law and securities regulation.

Mr. Hertzberg received his law degree from Columbia Law School (1988). He is admitted to practice in the state and federal courts of New Jersey and New York.

Mr. Hertzberg is a member of Phi Beta Kappa and is a subject of biographical record in Who's Who in American Law (7th Edition) and Who's Who Among Rising Young Americans. He belongs to the Columbia Law School Alumni Association and the American Bar Association.

Ellen A. Silver

Ellen A. Silver is a partner of the firm in its Litigation Department. She concentrates her practice in the area of insurance coverage and commercial litigation.

Ms. Silver is a graduate of Cornell University (1982) where she received a degree in Engineering, with distinction. Subsequently, she was employed as an engineer, in product development, for a major international corporation. Ms. Silver received her law degree, with high honors, from Rutgers University School of Law - Newark, (1989). She joined the firm in December 1989.

Ms. Silver is a member of the New Jersey State and the Middlesex County Bar Associations. She is admitted to practice in New Jersey and in the U.S. District Court, District of New Jersey.

Andrea J. Sullivan

Andrea J. Sullivan is a partner of the firm in its Litigation Department. She concentrates her practice in commercial litigation and matrimonial law.

A graduate, *cum laude*, of Mount Holyoke College (1982), Ms. Sullivan attended Rutgers University School of Law - Newark (1989) where she graduated with high honors.

Ms. Sullivan is a member of the New Jersey State and the Middlesex County Bar Associations. She is a member of the Board of Trustees of the Middlesex County Legal Services

Corporation, and serves as the Treasurer of the Board. She is also chair of the Chancery practice Committee and an officer of the Women's Section of the County Bar Association. She also serves as a trustee of the Middlesex County Bar Foundation, where she chairs the Continuing Legal Education Committee. Ms. Sullivan is admitted to practice in New Jersey.

Marc D. Policastro

Marc D. Policastro is a partner of the firm in its Real Estate Department, Environmental Practice Group and Land Use Practice Group.

Mr. Policastro began his career with the firm in 1990. He has developed a real estate practice which includes land use, zoning and planning and mortgage financing matters. He has represented developers, lenders, borrowers and municipal boards in myriad land use contexts, including commercial and residential development. Mr. Policastro's environmental practice concentrates on complex remediation cases and general environmental compliance counseling. He has significant experience in ISRA, Spill Act, and related hazardous substance regulatory matters.

A graduate of the University of Richmond, E. Claiborne Robins School of Business, (1987), where he received a bachelor of science degree in business administration, concentrating in finance and marketing. In 1990, he received his law degree from Seton Hall University School of Law, where he received the Raymond del Tufo Award for highest achievement in Constitutional Law and served as Notes and Comments Editor for the Seton Hall Constitutional Law Journal.

Mr. Policastro is a member of the Land Use and Environmental Law Sections of the New Jersey State Bar Association and a member of the Mortgage Bankers Association and Somerset County Bar Association environmental committees.

He is admitted to practice in New Jersey and New York.

Marc J. Gross

Marc J. Gross is a partner of the firm in its Litigation Department. He practices with a particular emphasis on business counseling and trial practice in the state and federal courts, representing corporate, partnership, banking and individual clients.

Mr. Gross has significant experience litigating and resolving partnership and corporate conflicts, trademark infringement, employment and complex commercial disputes on behalf of numerous business entities. He has handled all aspects of counseling in such matters from discovery through trial. His diversified clientele include closely held and publicly traded corporations, automotive, real estate and technology ventures, licensed professionals and Superior Court Judges.

Mr. Gross is a graduate of The George Washington University, where he was elected to Phi Beta Kappa and graduated *cum laude* (1988). He earned his law degree from the University's National Law Center (1991) and was a recipient of the Isaac Davis Prize for outstanding oral advocacy.

During the 1991-92 court term, Mr. Gross served as law clerk to the Honorable Serena Perretti, Superior Court of New Jersey, Law Division, where he assisted in both criminal and civil matters.

A resident of Livingston, New Jersey, Mr. Gross is a member of the New Jersey State, and Essex County (Membership Chair) Bar Associations. He is admitted to practice in New Jersey (1991), before the U.S. District Court for the District of New Jersey (1991), New York (1992), before the U.S. District Courts for the Southern and Eastern Districts of New York (1992), and the U.S. Supreme Court (1999).

In January 1999, Mr. Gross became President and founding member of the New Jersey Executive Forum, Inc., a non-profit, business development league based in Roseland, New Jersey, which assists professionals, entrepreneurs and chief executives of established firms in building business relationships. Mr. Gross is a recipient of the Young Lawyers Section Achievement Award from the Essex County Bar Association (1999) and was elected to the Association's Board of Trustees in April 2000. Mr. Gross also serves as an officer and as a member of the Board of Directors of the Greater Newark Conservancy, a charitable organization dedicated to the beautification of Newark.

A noted commentator on business issues, Mr. Gross has appeared as a panelist in forums for the legal profession and as a guest on statewide television news broadcasts.

Luke J. Kealy

Luke J. Kealy is a partner of the firm in its Litigation Department.

Mr. Kealy joined the firm after graduating from New York University School of Law in 1992. He is admitted to practice in New Jersey (1992), New York (1993) and Colorado (1994), as well as the U.S. District Court for the District of New Jersey and the U.S. Court of Appeals for the Third Circuit. He is a member of the New Jersey and Middlesex County Bar Associations, and the Association of the Federal Bar of the State of New Jersey.

Mr. Kealy's practice focuses on complex commercial, real estate, professional malpractice, and environmental litigation. He also counsels clients in matters involving contract, real estate, environmental and franchise law.

As an undergraduate, Mr. Kealy majored in Engineering at the United States Air Force Academy in Colorado Springs, Colorado. Upon graduation, he received a regular commission in the United States Air Force, attended flight training and served as an instructor pilot and squadron executive officer both overseas and in the United States. While on active military duty he earned a Master of Science in Systems Management from the University of Southern California.

Mr. Kealy is a resident of Holmdel, New Jersey and is currently a Major in the Air Force Reserve serving as a Flight Commander and instructor with the 913th Airlift Wing, Willow Grove Naval Air Station, Pennsylvania. He was deployed to the Persian Gulf during Operation Desert Storm and flew combat missions into Kuwait City. He has been awarded the Air Medal, Air Force Commendation Medal, Combat Readiness Medal, Small Arms Expert Marksmanship Ribbon, and the New Jersey Distinguished Service Medal. He also serves as an admissions liaison officer to the United States Air Force Academy.

Christopher S. Porrino

Christopher S. Porrino is a partner of the firm in its Litigation Department and White Collar Criminal Defense Practice Group. He concentrates his practice in complex commercial litigation and white collar criminal defense. He joined the firm in 1993.

Mr. Porrino graduated with high honors from Lehigh University (1989) where he received a degree in behavioral and neural biology. He received his law degree, with honors, from Seton Hall University School of Law (1992). Following graduation from law school, Mr. Porrino served as a federal law clerk to the Honorable Freda L. Wolfson, U.S. District Court, in Trenton, New Jersey, where he was involved in complex federal litigation.

Mr. Porrino is the co-author of "The Parallel Proceedings Pickle: Making the Best of Concurrent Civil and Criminal Financial Cases," *White Collar Crime 1995* at c-12, *American Bar Association Section of Criminal Justice* (March 1995); "When the Criminal Investigation Hits, It's No Longer Business as Usual," 142 *New Jersey Law Journal* 107 (October 9, 1995); "Knowing When to Fight," 146 *New Jersey Law Journal* 407 (November 4, 1996); "Victims May 'Collude' To Contest Dumping," *The National Law Journal*, Vol. 19, No. 31 (March 31, 1997); "Document Destruction May Constitute Pre-Subpoena Obstruction of Justice," 155 *New Jersey Law Journal* 544 (February 1, 1999); and "Employer Suffers When Worker Invokes Fifth," 8 *New Jersey Lawyer* 155 (July 19, 1999).

Mr. Porrino is admitted to practice in New Jersey, New York, the U.S. District Court for the District of New Jersey and the United States Court of Appeals for the Third Circuit. He is a member of the Middlesex County, Federal Bar and American Bar Associations.

EXHIBIT G

Jacks C. Nickens

Employment

Nickens, Lawless & Flack, L.L.P. — Partner (established 1/1/2002)
Clements, O'Neill, Pierce & Nickens — Partner
(January 1994-2001)
Mayer, Brown & Platt (Houston) — Partner (1991-1993)
Miller, Keeton, Bristow & Brown — Partner (1979-1990)
Vinson & Elkins (Houston) — Associate (1976-1979)

Honorable Robert M. Hill, United States District Judge for the Northern District of Texas—Judicial Clerk (1975)

Memberships

Houston Bar Foundation Fellow
Texas Bar Foundation Fellow
Texas, Houston, and American Bar Associations
Member and Chairman, District 4 Grievance Committee,
State Bar of Texas, 1985-88
Association of Attorney-Mediators, 1990 to present
Vice-chair, Antitrust Section, Houston Bar Association, 1997-98

Admitted

State Bar of Texas
United States District Courts, Southern, Eastern,
Western, and Northern Districts of Texas
United States Courts of Appeal for the Third, Fifth,
Seventh, and Ninth Circuits
United States Supreme Court

Education

Harvard College, A.B., *magna cum laude*, 1971
 ▶ Henry Russell Shaw Fellowship
 ▶ Paul Revere Frothingham Prize
Harvard Law School, J.D., *cum laude*, 1975

References

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New York, New York 10019
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Williams & Connolly
725 Twelfth Street, N.W.
Washington, D.C. 20005
(202) 434-5117

Mr. J. Kent Friedman
General Counsel
Maxxam, Inc.
5847 San Felipe, Suite 2600
Houston, Texas 77057
(713) 267-3670

Mr. Bob McGaw
Office of General Counsel
Harvard University
Cambridge, MA 02138
(617) 495-1228

J. Mark Lawless

Employment

- Nickens, Lawless & Flack – Partner (established January 1, 2002)
- Cook, Roach & Lawless, L.L.P. — Partner (1998-2001)
- Solo practitioner (1991-1994)
- Heron, Burchette, Ruckert & Rothwell – Associate (1986-1990)
- Alvin C. Askew, P.C./Keysmith Corporation – Attorney (1984-1985)

Admitted

- State Bar of Texas
- U.S. Court of Appeals, Fifth Circuit

Memberships

- American Bar Association
 - ▶ Litigation Section (Insurance Coverage Litigation Committee)
 - ▶ Immediate Past Co-Chair, Environmental Coverage Subcommittee
 - ▶ Torts and Insurance Practice Section
- State Bar of Texas
 - ▶ Insurance Law Section (Chair Elect)
 - ▶ Litigation Section
 - ▶ Appellate Practice and Advocacy Section
 - ▶ Environmental and Natural Resources Law Section
 - ▶ Construction Law Section
 - ▶ State Bar College
- Texas Bar Foundation – Life Fellow
- Travis County Bar Association
- Insurance Information Counsel
- Texas Policyholder Counsel Network (founding member)
- Texas Independent Producers & Royalty Owners Association

Education

- Baylor University Law School, J.D., 1980
- Baylor University, B.A., 1976

Paul D. Flack

Employment

Nickens, Lawless & Flack – Partner (established January 1, 2002)

Clements, O'Neill, Pierce, Nickens & Wilson — Partner
(January 1997-2001)
(Associate — May 1994–January 1997)

Arnold & Porter (New York) — February 1991-March 1994

Hughes, Hubbard & Reed (New York) — August 1989 - February 1991

Admitted

State Bar of Texas

State of New York

United States Courts of Appeal for the Fifth and
Ninth Circuits

United States District Court for the Southern and
Eastern Districts of New York

United States District Court for the Southern
District of Texas

United States District Court for the Western District
of Michigan

Education

The University of Texas School of Law, Austin, Texas
J.D. May 1989

- ▶ Texas Law Review, August 1987-February 1988
- ▶ Graduated with Honors
- ▶ Order of the Coif

The University of Kansas, Lawrence, Kansas
B.A. in Philosophy and Political Science, May 1986

- ▶ Graduated with Distinction
- ▶ Phi Beta Kappa

Thomas M. Farrell

Employment

Nickens, Lawless & Flack, L.L.P. - Partner
Mayor Day, Caldwell & Keeton - Partner (1990-2002)
Mayor, Day, Caldwell & Keeton - Associate (1985-1990)
Honorable Carolyn Dineen King, Chief Judge, United States
Court of Appeals for the Fifth Circuit - Judicial Clerk (1984-1985)

Membership

Texas, Houston, and American Bar Associations
Houston Bar Foundation Fellow

Admitted

State Bar of Texas
United States Courts of Appeals for the Fifth and Ninth Circuits
United States District Courts, Southern, Northern, Eastern and
Western Districts of Texas
United States Supreme Court

Education

University of Vermont, B.A., 1980
University of Houston Law Center, J.D., summa cum laude, 1984

- ▶ University of Houston Law Foundation Academic Excellence Award (1st in class)
- ▶ Order of the Coif
- ▶ Publications Editor, Houston Law Review

References

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Horsham, Pennsylvania 19044
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713-683-4800

Ms. Kerry A. Galvan
General Counsel
Lyondell Chemical Company
One Houston Center
1221 McKinney
Houston, Texas 77253-3646
(713) 309-2665

Ms. Laura W. Doerre
Senior Counsel
Nabors Industries
515 West Greens Road
Houston Texas 77067
(281) 775-8166

Richard P. Keeton

Employment Nickens, Lawless & Flack – Partner (established January 1, 2002)
Mayor, Day, Caldwell & Keeton – Partner (1988-2002)
Miller, Keeton, Bristow & Brown – Partner (1983-1987)
Scott, Douglass & Keeton – Partner (1979-1983)
Vinson & Elkins – Partner (1969-1979); Associate (1963-1979)

Memberships State Bar of Texas

Admitted United States Court of Appeals for the Fifth Circuit
United States District Court for the Southern, Northern, Western,
and Eastern Districts of Texas

Education University of Texas Law School, L.L.B., 1963; First in Class
University of Texas, B.A., *summa cum laude*, 1959
Phi Beta Kappa

Dulce M. Stenglein

Employment Nickens, Lawless & Flack – established January 1, 2002
Cook, Roach & Lawless (1994-2002)
Baker Botts, L.L.P. (1991-1994)
Arthur Young & Company (auditor) (1987-1988)

Memberships State Bar of Texas
Houston Bar Association
Texas Young Lawyers Association
Federal Bar Association
Appellate and Litigation Sections, Houston Bar Association
Insurance Section, State Bar of Texas

Admitted United States Court of Appeals for the Fifth Circuit
United States District Court for the Southern District
of Texas

Education Harvard Law School, J.D., *cum laude*, 1991
University of Florida, B.S. accounting, *with high honors*, 1987

- ▶ Fisher School of Accounting Outstanding Leadership Award, 1987
- ▶ President's Recognition for Outstanding Service, 1987
- ▶ Florida Academic Scholar, 1983-87
- ▶ President's Honor Roll, 1983-87

Elijah Watt Sells Award – Uniform Certified Public Accountant's Examination, 1987

Joanna V. Hamrick

Employment Nickens, Lawless & Flack – Of counsel (established January 1, 2002)
Gardere Wynne Sewell L.L.P. – Partner (1989-2001)

Memberships State Bar of Texas
Houston Bar Association
American Bar Association

Admitted United States District Court for the Southern and Eastern
Districts of Texas

Education University of Houston School of Law, J.D., 1989
Winner, Hippard and Thelen, Martin Mock Trial
Competitions
University of Texas, Bachelor of Journalism, *cum laude*, 1982

Lee H. Shidlofsky

Employment Nickens, Lawless & Flack – Associate (established January 1, 2002)
Cook, Roach & Lawless, L.L.P. — Associate (2000-2001)
Zelle, Hoffman, Voelbel & Gette, L.L.P. (formerly Zelle & Larson)
Associate (1997-1999)

Admitted State Bar of Texas
U.S. Court of Appeals, Fifth Circuit
U.S. District Court, Northern, Southern, Eastern, and Western
Districts of Texas

Memberships American Bar Association

- ▶ Litigation Section (Insurance Coverage Litigation Committee)
- ▶ Torts and Insurance Practice Section

State Bar of Texas

- ▶ Insurance Law Section
- ▶ Litigation Section
- ▶ Construction Law Section
- ▶ State Bar College

Travis County Bar Association

Education Southern Methodist University School of Law, J.D., *cum laude*, 1997

- ▶ Associate Editor, *SMU Law Review*

University of Texas at Austin, B.A., *with Honors*, 1994

Molly D. Naylor

Employment

- Nickens, Lawless & Flack – Of counsel (established January 1, 2002)
- Clements, O'Neill, Pierce, Nickens & Wilson – Of counsel (1993-2001)
- Redding, Coselli, Tinsley & Allie – Of counsel (1987-1993)
- Harris County District Attorney's Office – Assistant District Attorney (1978-1981)
- Texas Eastern Transmission Corporation – Attorney (1977-1978)

Admitted

- State Bar of Texas
- United States Courts of Appeal for the Fifth Circuit
- United States District Court for the Southern District of Texas
- United States Supreme Court

Education

- The University of Texas School of Law, Austin, Texas
J.D. 1977

- The University of Texas, B.A., *magna cum laude*, 1974

- ▶ Phi Beta Kappa

John Timothy Byrd

Employment Nickens, Lawless & Flack – Of counsel (established January 1, 2002)

Solo practitioner (1991-present)

Miller, Bristow & Brown (1986-1990)

Ross, Dixon & Masback, Washington, D.C. (1984-1986)

Covington & Burling, Washington, D.C. (1981-1984)

Honorable Thomas Gibbs Gee, Judge, United States Court of Appeals for the Fifth Circuit (1980-1981)

Admitted

State Bar of Texas

United States Courts of Appeal for the Fifth Circuit

United States District Court for the Southern District of Texas

Education

University of Texas Law School, J.D., *with High Honors*, 1980

- ▶ Grand Chancellor
- ▶ Order of the Coif
- ▶ Note Editor, *Texas Law Review*

University of North Carolina at Chapel Hill, M.A., 1976

- ▶ Waddell Memorial Fellow

Yale University, B.A., *cum laude*, 1974

Bradley W. Hoover

Employment Nickens, Lawless & Flack – Of counsel (established January 1, 2002)
Hoover & Harger, P.C. (July 2000 – present)
Solo practitioner (1994-2000)
Mayer, Brown & Platt (Houston office) (1988-1994)

Admitted State Bar of Texas
United States Courts of Appeal for the Third and Fifth Circuits
United States District Court for the Southern, Eastern, and
Northern Districts of Texas

Education University of Texas Law School, J.D., *with Honors*, 1988
Texas Tech University, B.A., *summa cum laude*, 1985

R. Michael Peterson

Employment Nickens, Lawless & Flack – Of counsel (established January 1, 2002)

Bristow, Hackerman, Wilson & Peterson – Partner
(1980-2001)*

Honorable John R. Brown, Chief Judge, United States Court of
Appeals for the Fifth Circuit (1978-1979)

Admitted

State Bar of Texas

United States Courts of Appeal for the Fifth Circuit

United States District Court for the Southern
District of Texas

Education

Harvard Law School, J.D., *cum laude*, 1978

- ▶ Editor, *Harvard Law Review*, 1976-77 and 1977-78
- ▶ President, *Harvard Law Review* (Volume 91), 1977-78

Yale University, B.A., *cum laude*, 1975

* Bristow, Hackerman was a successor firm to Miller, Keeton & Bristow and Miller, Bristow & Brown.