

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

In re: BAYCOL PRODUCTS LITIGATION	)	MDL No. 1431 (MJD/JGL)
	)	
	)	<b>REPORT IN ACCORDANCE WITH</b>
	)	<b>§ 20.22 OF THE <i>MANUAL FOR</i></b>
	)	<b><i>COMPLEX LITIGATION</i></b>
This Document Relates To: All Actions	)	
	)	

**I. INTRODUCTION**

On January 16, 2002, this Court issued Pretrial Order Number 1. In that Order the Court stated, in pertinent part, that this Court intended to follow the *Manual for Complex Litigation (Third)*. In addition, the Court advised the parties that “[b]efore the [first status] conference, counsel shall confer and seek consensus to the extent possible with respect to the items on the agenda . . . .” *See Pretrial Order 1* at 3. In outlining the agenda for the pretrial conference the Court noted, “[c]ounsel are encouraged to advise the Court as soon as possible of any items that should be added to the agenda.” *Id.*

This Report is submitted after a meeting of 95 lawyers representing tens of thousands of claimants who unanimously voted to appoint the law firms of Zimmerman Reed (“Zimmerman”) and Lockridge Grindal Nauen P.L.L.P. (“Lockridge”) as Co-Lead Counsel. Many of the attending lawyers have previously been actively involved in significant national, mass tort litigation. In addition, Zimmerman and Lockridge nominated an outstanding, diverse and experienced group of mass tort lawyers to serve as the Plaintiffs’ Steering Committee (“PSC”) to manage and direct the federal litigation in this Multidistrict Litigation proceeding. As set forth in the attached curricula vitae, both lead counsel and the proposed PSC bring to this Court years of experience and success in complex tort and class action litigation and have a proven record of fulfilling the responsibilities of court-appointed lead counsel and PSC membership, in discharging, for the common benefit of all

plaintiffs counsel, the duties outlined in the *Manual*. All firms possess the necessary resources to manage litigation of this magnitude and complexity. Equally important, Zimmerman and Lockridge, as lead counsel, have already demonstrated their ability to obtain the respect and cooperation of their colleagues as evidenced by the support of almost 100 lawyers for their proposed leadership of these consolidated actions.

## II. PROCEDURAL BACKGROUND

This consolidated litigation consists of 126 cases initially filed in Minnesota and other districts throughout the United States against Bayer AG, Bayer Corporation, SmithKlineBeecham, and GlaxoSmithKline.<sup>1</sup> The cases involve allegations that, *inter alia*, defendants were negligent in their design, manufacture, testing, advertising, warning, marketing, and sale of Baycol, a cholesterol-reducing drug generically known as *cerivastatin sodium*. Baycol has been linked to Rhabdomyolysis, renal failure, liver damage, and more than 100 deaths worldwide.<sup>2</sup> Acknowledging the strong association between Baycol and severe adverse events, defendants finally withdrew Baycol from the United States market in August, 2001.

Recognizing the propriety of consolidating the various cases against Bayer et al. and the superiority of the District of Minnesota as the proper forum, Zimmerman and Lockridge, representing Plaintiffs Dubberly and Krohn, jointly petitioned the Judicial Panel on Multidistrict Litigation (“the Panel”) for consolidation and transfer to the District of Minnesota pursuant to 28 U.S.C. § 1407. Other plaintiffs’ counsel, including several proposed herein for PSC membership, likewise petitioned the Panel for coordination and transfer. In November 2001, the Panel heard

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<sup>1</sup>“In addition to the 36 actions before the Panel, the parties have notified the Panel of over 90 related federal court actions pending in 51 districts” December 18, 2001 Transfer Order. Counsel represented by this Petition represent tens of thousands of Baycol plaintiffs across the country.

<sup>2</sup>Bayer increased the admitted number of deaths “linked” to Baycol to “as many as 100” in reports published in the Wall Street Journal on Monday, January 21, 2002.

arguments on the motion to consolidate and transfer and, on December 18, 2001, the MDL panel consolidated and transferred the related actions for pretrial purposes to this Court.

On December 19, 2001, Charles Zimmerman, with the concurrence of Richard Lockridge, notified this Court of his intent to hold an initial organizational meeting of plaintiffs' counsel. Mr. Zimmerman informed the Court that the purpose of the conference was to discuss a proposed organizational structure of Plaintiffs' Counsel and preliminary discovery issues associated with this litigation.

In late December 2001, Messrs. Zimmerman and Lockridge, by letter and telephone, invited all plaintiffs' counsel representing claimants in either state or federal court to meet in person to discuss plaintiffs' organization and prosecution of this litigation<sup>3</sup>. On January 15, 2002, Mr. Zimmerman spoke at the Mealey's Baycol Seminar in California, an event attended by over 250 lawyers. At that time, Mr. Zimmerman again extended an open invitation to all plaintiffs' attorneys there present to attend the Minneapolis meeting.

On January 16, 2002, this Court issued *Pretrial Order Number 1*. The *Order* set a Status Conference date of April 1, 2002 and asked the parties to develop an agenda for the April 1<sup>st</sup> Conference. The *Order* was distributed to all firms attending the January 17, 2002 organizational meeting.

Acting in accordance with this Court's direction, counsel for the vast majority of plaintiffs participated in the January 16 - 17, 2002 meeting. The participating firms, representing the interests of plaintiffs from all regions of the country, recognized that organization was necessary to comport with the Court's Order and to comport with the ideals contained in the *Manual for Complex Litigation*. Without waiving any claims of privilege, counsel report that a variety of topics was

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<sup>3</sup>The letter of invitation was sent to all counsel of record before the MDL Panel, and subsequently to all individuals who were known to represent Plaintiffs with alleged Baycol injuries and to all lawyers known to have filed pleadings with this Court.

discussed at the meeting, including leadership issues and preliminary discovery matters associated with this MDL. Unanimously, the 95 lawyers in attendance agreed that Zimmerman and Lockridge should serve as co-lead counsel in this matter.

Following the meeting of all plaintiffs' counsel, acting in the capacity of proposed co-lead counsel, Mr. Zimmerman and Mr. Lockridge convened a gathering of law firms, all experienced mass tort litigators, to discuss leadership roles in this case. At that meeting, a proposed Plaintiffs' Steering Committee was nominated. The structure of this proposed PSC is set forth in Section IIIB and proposed Pretrial Order Number 2.

### **III. ORGANIZATIONAL STRUCTURE OF PLAINTIFFS**

#### **A. Lead Counsel**

As advised by the *Manual for Complex Litigation*, plaintiffs' lead counsel are charged with the responsibility for the day-to-day conduct of the litigation and for carrying out the Orders of the Court concerning the conduct of the litigation:

Charged with major responsibility for formulating (after consultation with other counsel) and presenting positions on substantive and procedural issues during litigation...[for] presenting written and oral arguments and suggestions to the court, working with opposing counsel in developing and implementing a litigation plan, initiating and organizing discovery requests and responses, conducting the principal examination of deponents, employing experts, arranging for support services, and seeing that schedules are met.

*Manual for Complex Litigation* (Third) at § 20.221. Accordingly, co-lead counsel must possess “the resources, commitment, and the qualifications to accomplish the assigned tasks. They should be able to command the respect of their colleagues and work cooperatively with opposing counsel and the court.” *Manual for Complex Litigation* (Third) at § 20.224.

As demonstrated by their firm resumes, Zimmerman and Lockridge possess extensive experience in complex litigation such as this, and have successfully represented plaintiffs in other complex litigation actions throughout the nation. These firms have worked together in numerous

complex cases and have demonstrated their ability to work cooperatively with each other, as well as other plaintiffs' counsel, defense counsel, and this Court. Each firm has also tried a class action lawsuit to verdict. It is beyond dispute that these firms meet the criteria for lead counsel set forth in the *Manual*.

**B. Plaintiffs' Steering Committee**

The two proposed co-lead counsel are working together with a number of highly-experienced complex litigation law firms to ensure that sufficient resources are available to meet the demands of this complex litigation. Zimmerman and Lockridge have met with other law firms to organize a Plaintiffs' Steering Committee ("PSC"). The following firms, each involved in this litigation since August, 2001 and worthy of being appointed lead counsel in their own right, have agreed to serve on the PSC:

Andy Birchfield  
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.  
Montgomery, Alabama

Don Barrett  
Barrett Law Office  
Lexington, Mississippi

Turner W. Branch  
Branch Law Firm  
Albuquerque, New Mexico

Elizabeth J. Cabraser\*  
Lieff, Cabraser, Heimann & Bernstein, LLP  
San Francisco, California

Stanley M. Chesley\*  
Waite, Schneider, Bayless & Chesley Co., LPA  
Cincinnati, Ohio

John R. Climaco  
Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., L.P.A.  
Cleveland, Ohio

Walter Dumas  
Dumas & Associates

Baton Rouge, Louisiana

Frederic S. Fox  
Kaplan, Fox & Kilsheimer, LLP  
New York, New York

Michael Gallagher  
Gallagher, Lewis, Downey & Kim  
Houston, Texas

Paul J. Geller  
Cauley Geller Bowman & Coates, LLP  
Little Rock, Arkansas

Don Hildre  
Dougherty, Hildre, Dudek & Haklar  
San Diego, California

James R. Dugan, II  
Gauthier, Downing, LaBarre, Beiser & Dean  
Metairie, Louisiana

Daniel E. Becnel, Jr.  
Law Offices of Daniel E. Becnel, Jr.  
LaPlace, Louisiana

Will Kemp  
Harrison, Kemp & Jones  
Las Vegas, Nevada

Dianne M. Nast\*  
Roda & Nast, P.C.  
Lancaster, Pennsylvania

W. James Singelton  
Singelton Law Firm  
Shreveport, Louisiana

The foregoing counsel have held major leadership roles in many of the mass tort cases litigated throughout the recent history of the United States. This includes *In re MGM Grand Hotel Fire Litigation*, MDL 453; *In re San Juan duPont Hotel* MDL 721; *In re Pan Am Aircrash at Lockerbie Litigation*, MDL 799; *In re Breast Implant Products Liability Litigation*, MDL 926; *In re Factor Concentrate Litigation* MDL 986; *In re Copley* MDL 1013; *In re Felbatol Products*

*Liability Litigation*, MDL 1048; *In re Telectronics Pacemaker Products Liability Litigation*, MDL 1057; *In re Air Crash off Long Island (TWA Flight 800)*, MDL 1161; *In re Fen Phen (diet drug) Products Liability Litigation* MDL 1203; *In re Rezulin Products Liability Litigation*, MDL 1348; *In re Propulsid Products Liability Litigation*, MDL 1355; *In re Bridgestone/Firestone* MDL 1373; *Castano National Tobacco litigation*.<sup>4</sup> Members of the proposed PSC who will serve, along with co-lead counsel, as members of a smaller Executive Committee are identified by asterisk above.

It is envisioned that, in accordance with the recommendations of § 20.221 of the *Manual for Complex Litigation* (Third, 1999), the proposed co-lead counsel and PSC will, upon order of the Court, complete the organizational structure of plaintiffs' counsel with appropriate committee assignments. The listed counsel are prepared to work together for the purpose of obtaining the best result for all of the plaintiffs. The interim appointment of the PSC is set forth in the attached proposed Pretrial Order No. 2.

### **C. Liaison Counsel**

The *Manual* describes the role of liaison counsel, to disseminate all required information to Plaintiffs counsel in the Multi-district Litigation. This function can be readily managed by co-lead counsel through the document depository. All liaison counsel master files will be housed at the document depository, which makes the function of liaison counsel readily absorbed by lead counsel.

## **IV. STATUS OF DISCOVERY**

### **A. Discovery Issues**

Following their nomination as Co-Lead Counsel, and pursuant to discussions with the proposed PSC, the leadership immediately initiated preliminary discovery discussions with opposing counsel in an effort to seek consensus regarding preliminary discovery issues, as well as state and

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<sup>4</sup>The members of the proposed Plaintiffs Steering Committee also have significant experience as lead counsel in major national securities and anti-trust litigation. However, the proposed PSC respectfully suggests that such experience is less important than experience in mass tort litigation.

federal coordination. Specifically, on January 17, 2002, plaintiffs' counsel held a phone conference call with national defense counsel for Bayer. During the meeting nation defense counsel made the following representations to plaintiffs' counsel:

1. that Bayer intended to produce in excess of 500,000 pages of documents to both Plaintiff's counsel representing the MDL, and state counsel in Pennsylvania, California and Texas, simultaneously;

2. that Bayer intended to work with the MDL and state attorneys to develop a comprehensive discovery plan for both state and federal litigation; and

3. that the MDL and defense counsel will meet and confer as promptly as schedules permit to discuss the following issues: confidentiality agreements, protective orders, general discovery issues and production protocols (including electronic protocols), document production, and answers to written discovery requests.

On January 18, 2002, plaintiffs' counsel spoke with counsel for Glaxo regarding preliminary discovery in this case. During that conversation the following representations were made to plaintiffs' counsel:

1. Glaxo intended to produce document simultaneously to both State and Federal Court; and

2. no documents had been produced by Glaxo.

Discovery is underway.

#### **B. Document Depository**

The PSC also discussed the document depository. Ultimately, the PSC recommends that one centralized depository be created for the MDL and that the location of the depository be at the law firm of Zimmerman Reed. Zimmerman Reed's offices are well suited to be the location for the depository for several reasons:



1. The case is venued in this District and under the jurisdiction of this Court.
2. Zimmerman Reed has over 2000 square feet of unused office space available for immediate use by individuals assigned to conduct document review.
3. The space referenced above has the capability to hold sixteen (16) work stations.
4. The space is currently configured to apply the latest technology.
5. Zimmerman Reed's Technology Department assisted in the development and implementation of the document depository in several large class actions and MDL cases, including *In re: Propulsid Products Liability Litigation*, *Gerald Fischl v. Direct Merchants Credit Card Bank, N.A. and Metris Companies, Inc.*
6. Storage of documents, and identification of the foregoing lead counsel, at this location sufficiently fulfills the duties of liaison counsel. The document depository, along with co-lead counsel can readily fulfill all liaison counsel functions described in the *Manual*.

It is the intent of the proposed co-lead counsel and PSC to utilize the depository to provide maximum access to all federal plaintiffs (and to state plaintiffs as well, upon appropriate Order of this Court) to all documents and materials produced utilizing state of the art technology.

#### **V. MATTERS REQUIRING ATTENTION PRIOR TO THE FIRST STATUS CONFERENCE WITH THE COURT**

The first status conference with the Court is presently scheduled for April 1, 2002. Plaintiffs counsel request the Court enter an interim Pre-trial Order, in the form attached, in order to permit Plaintiffs to proceed with matters in this litigation prior to the conference of all MDL plaintiffs. In particular, Defendants intend to provide discovery in the MDL proceedings simultaneously with discovery provided in state cases. Some state plaintiffs counsel have represented that first disclosure of documents will occur as early as March 1. Issues of document disclosure protocol, confidentiality, preservation of documents and scope must be negotiated and resolved prior to this time.

Accordingly, counsel representing Plaintiffs in the MDL request the interim authority of this Court to accomplish these discovery objectives in a timely fashion.

## VI. CONCLUSION

Attached to this Report is a proposed Pre-Trial Order Number 2, incorporating some of the recommendations made in this Report. Counsel respectfully request the Court enter this Order at the earliest practicable time.

ZIMMERMAN REED, PLLP

By:

*by Ronald S. Goldser*  
*Charles S. Zimmerman*

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## FIRM RESUME FOR ZIMMERMAN REED, P.L.L.P.

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ZIMMERMAN REED has been class counsel in some of the largest and most complex cases throughout the United States. We represent individuals, groups, and companies in federal and state courts. The firm's practice includes a wide range of legal issues and class actions involving dangerous or defective products, especially drugs and medical devices, consumer financial services, food contamination, health insurance coverage, environmental torts, contract disputes, human rights violations, and securities and anti-trust violations. Zimmerman Reed has an "AV" rating from Martindale Hubbell. A list of our class action cases is included below.

### ZIMMERMAN REED PARTNERS:

CHARLES S. ZIMMERMAN is senior and managing partner of the firm. He has been continuously engaged in the private practice of law since 1972. Mr. Zimmerman is a 1972 graduate of the University of Minnesota School of Law and also received his undergraduate degree from the University of Minnesota. Mr. Zimmerman focuses his practice on complex and multi-district litigation, and he has participated in numerous national and multi-state class actions. He has been appointed lead counsel and to the National Steering Committee in many national class actions in Securities, Consumer, Mass Tort, Product Liability, and Toxic Tort cases. Mr. Zimmerman is a member of the Zimmerman Reed Castano tobacco litigation team which received the "Breath of Life" award from the American Lung Association in 2000. This award is presented to recognized persons or groups who have been dedicated to community service. Mr. Zimmerman has been named a "Super Lawyer<sup>TM</sup>" in 2000 and 2001 by his peers in Minnesota as compiled by *Minnesota Law & Politics*.

Charles Zimmerman is a member in good standing of the Bar of the State of Minnesota as well as the United States District Court for the District of Minnesota, the United States District Court for the District of Ohio, the United States District Court for the District of California, and the Third, Sixth, Seventh, Eighth, and Eleventh Circuit Courts of Appeals.

Mr. Zimmerman lectures and has taught courses for the Minnesota State Bar Association Continuing Legal Education, University of Minnesota School of Law, William Mitchell College of Law, the Minnesota Trial Lawyers Association (MTLA), and Association of Trial Lawyers of America (ATLA). Mr. Zimmerman has also lectured and served as a member of the faculty at Mealey's "Norplant Conference," Mealey's "Breast Implant Conferences," Mealey's "Propulsid Conference," and Andrew's Publications' "Medical Devices Litigation Conference", as well as numerous conferences on the subject of Tobacco Litigation and "Youth and Addiction." Mr. Zimmerman has also been a guest lecturer at the University of Minnesota School of Law in conjunction with course work prepared by Professor Robert J. Levy, and the William Mitchell College of Law in conjunction with course work prepared by the Honorable Thomas Carey, on the subject of Complex Litigation.

Mr. Zimmerman is a member of the Association of Trial Lawyers of America (ATLA) and the Minnesota Trial Lawyers Association (MTLA), the Federal Bar, the Minnesota State Bar Association, the Hennepin County Bar Association, and the Bar Associations of the Fifth and Eighth Federal District Courts.

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**BARRY G. REED** is a founding partner of the firm. He has been in practice since 1977 when he joined the law firm of Robins, Davis, and Lyons as an associate. In 1982 Bucky Zimmerman and

Barry Reed formed the firm now known as Zimmerman Reed. Mr. Reed directs the firms in the areas of Practice Management and Professional Development as well as serving as mentor to the firm's associate attorneys.

Mr. Reed focuses on complex litigation and has a long history representing consumers in many large class action cases including cases: contesting the legality of lender payments to mortgage brokers; involving allegations of improper mortgage escrow accounting practices; and challenging the legality of credit card-financed Internet gambling transactions; and disputing credit card company practices.

A native of England, Barry G. Reed is a 1977 graduate of the University of California at Los Angeles School of Law. He received his B.A., *summa cum laude*, from U.C.L.A. in 1974. He is also a member of Phi Beta Kappa. Barry has made a number of conference and CLE presentations including, "Internet Sales of Consumer Financial Services: Emerging E-Commerce Litigation Issues" at "Consumer Financial Services Litigation 2000" sponsored by the Practising Law Institute in April and May, 2000.

Mr. Reed is admitted to practice before, and is a member in good standing of, the Bar of the State of Minnesota as well as United States District Court for the District of Minnesota. He is also admitted before the Fourth, Sixth, Seventh, Eighth and Eleventh Circuit Courts of Appeals as well as the United States Supreme Court. Mr. Reed is a member of the Minnesota State Bar Association and the Hennepin County Bar Association.

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**RONALD S. GOLDSER** joined Zimmerman Reed in 1985. He has been a partner in the firm since 1987 and has been Chief Financial Officer since 1994. He is also a member of the Firm's

Management Committee. Prior to joining Zimmerman Reed, Mr. Goldser maintained a personal services law practice with several firms in the Twin Cities.

Mr. Goldser graduated from Yale University in 1975 where received a B.A. degree *cum laude* in Urban Studies. While at Yale, Mr. Goldser engaged in numerous poverty and consumer law endeavors including work with the Connecticut Citizen Action Group.

He received his law degree in 1978 from the University of Minnesota. While at the University of Minnesota, Mr. Goldser worked with the Alcohol and Drug Abuse Programming group within the University's College of Pharmacy. This work included counseling and supervised representation of individuals charged with drug offenses. In addition, together with others, Mr. Goldser taught Law for Health Sciences in the College of Pharmacy.

At Zimmerman Reed, Mr. Goldser focuses on both medical device mass tort litigation and consumer law litigation. These cases include Fen-Phen/Redux diet drugs, Propulsid®, Rezulin®, orthopedic bone (pedicle) screw, and other prescription medication litigation as well as collateral protection insurance and bankruptcy reaffirmation litigation.

Mr. Goldser is admitted to practice in Minnesota and Wisconsin, in the United States Courts of Appeals for the Third, Fourth, Fifth, Sixth, and Eighth Circuits, and in the United States District Court for the Districts of Minnesota, Eastern Wisconsin, Western Wisconsin, and North Dakota. He is a member of the Minnesota State Bar Association and the Hennepin County Bar Association.

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**ROBERT R. HOPPER** has been a partner in the firm since 1991 after being Of Counsel for a short time. Mr. Hopper's practice focuses on complex civil litigation and government relations, with an emphasis on the public policy, legislative, and substantive legal issues that lie at the nexus of

these two disciplines. Prior to joining Zimmerman Reed, Mr. Hopper practiced with Larkin, Hoffman, Daily & Lindgren in that firm's Government Relations and Litigation Departments. He also has held numerous positions in the public and private sectors including: work on a White House - sponsored urban education program in inner city Atlanta and both Harlem and the South Bronx, New York City; Manager of Public Affairs for the Cummins Engine Company and as Program Officer in its corporate foundation; as Director of State Development Planning for the State of Minnesota; as an Advisor on a special Economic Development program serving Minnesota Governor Al Quie; and Finance Director for the successful Ramstad for Congress Campaign.

Mr. Hopper is a 1976 graduate with honors of the University of Tennessee, where he majored in Psychology and Pre-med. In his senior year, Mr. Hopper was distinguished by the Dean of the College of Liberal Arts for outstanding work on "Off-Campus/Independent Study." Mr. Hopper also studied Political Philosophy and Social Ethics at the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota and at the Union Theological Seminary in New York City.

Mr. Hopper is a 1987 graduate of the William Mitchell College of Law. Upon graduation, Mr. Hopper was awarded the Excellence in Trial Advocacy Award having been previously distinguished by the ATLA - Association of Trial Lawyers of America - through a National Trial Competition as one of the top ten student trial advocates in the United States.

Mr. Hopper is admitted to practice in all courts in Minnesota and several Federal Courts including the United States District Court for the District of Minnesota; **the United States District Court for the District of Arizona**; the Eighth Circuit Court of Appeals; and, the Eleventh Circuit Court of Appeals. Mr. Hopper is a member in good standing of the American Bar Association, the Minnesota State Bar Association and the Hennepin County Bar Association, as well as a member

in good standing of both ATLA and the Minnesota Trial Lawyers Association. Mr. Hopper is also a member of the Minnesota Governmental Relations Council and a founding member of the Winston S. Churchill Center for Policy Studies at George Washington University, Washington, D.C. Mr. Hopper has also been a member of the adjunct faculty at William Mitchell College of Law teaching "Corporate Ethics and Advising Corporate Clients." Mr. Hopper is chair of the CLE "Dealing with the Media in High Profile Cases" and is a member of the faculty, along with Mr. Zimmerman, in the CLE "Managing Complex Litigation."

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**J. GORDON RUDD, JR.** is a partner with Zimmerman Reed practicing in the areas of commercial class action litigation and complex mass tort litigation. Mr. Rudd is a member of the firm's Management Committee and is the partner in charge of the Minneapolis office operations.

Mr. Rudd concentrates his practice in complex consumer and product liability class actions, including collateral protection insurance litigation, Silicone Gel breast implant litigation, and Teletronics Pacing Systems Atrial J-Leads litigation. He has been appointed class counsel in cases venued in state and federal courts through the country. Mr. Rudd was also a contributor to the *Report on Mass Tort Litigation* presented to Chief Justice Rehnquist in 1999.

He is a 1986 graduate of Connecticut College and a 1991 graduate of the University of Cincinnati College of Law where he received the American Jurisprudence Award in legal research and writing. Mr. Rudd also attended Bowdoin College and studied in London, U.K. during his undergraduate training.

Mr. Rudd is admitted to practice before, and is a member in good standing of, the Bar of the State of Minnesota and the United States District Court for the District of Minnesota. Mr. Rudd is



also admitted to the United States Court of Appeals for the Eighth Circuit. He has also been admitted to appear *pro hac vice* in cases pending in the states of California, Oregon, Arizona, New Mexico, Texas, North Dakota, Ohio, Florida, Georgia, Tennessee, and Michigan. He is a member of the Minnesota State Bar Association and the Hennepin County Bar Association.

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JENNIFER K. SUSTACEK has practiced almost exclusively in large, complex class action and mass tort litigation, including the Silicon Gel Breast Implant and Castano Tobacco, products liability cases, and food contamination class actions nationwide. She has represented a class of consumers against a large health insurance company for failure to pay claims, and she has also served as a class counsel in numerous products liability and consumer class action cases venued throughout the United States. Ms. Sustacek has also represented employees and businesses in employment matters.

She is a 1991 *cum laude* graduate of Hamline University with a major in Eastern European Studies. Ms. Sustacek is a 1994 graduate of Hamline University School of Law where she was honored with the American Jurisprudence Award and was named a Dean's Scholar.

Ms. Sustacek is a member of the Zimmerman Reed Castano tobacco litigation team which received the "Breath of Life" award from the American Lung Association in 2000. This award is presented to recognized persons or groups who have been dedicated to community service.

Ms. Sustacek is admitted to practice before, and is a member in good standing of, the Bar of the State of Minnesota and the United States District Court for the District of Minnesota, and the Eighth Circuit Court of Appeals. She is a member of the Federal Bar Association, the Minnesota Bar Association, and the Hennepin County Bar Association.

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CAROLYN GLASS ANDERSON is an attorney with Zimmerman Reed practicing primarily in the area of consumer fraud, products liability, and complex litigation.

Mrs. Anderson graduated from Trinity College, where she received a Bachelor of Arts degree, *cum laude*, in Psychology. She received her law degree *cum laude* from Hamline University School of Law where she was a Dean's Scholar, received the Cali Award for Excellence in Constitutional Law, and was on Hamline Law Review. Her case note article was selected for publication. Carolyn also studied law at Hebrew University in Jerusalem, Israel in course-work focusing on Law, Religion, & Ethics.

Carolyn has concentrated her practice in large, complex cases involving defective products, food-borne illnesses, securities transactions, and international human rights violations. She also represents businesses in international trade relationships. Carolyn is a member of the Zimmerman Reed *Castano* tobacco litigation team which received the "Breath of Life" award from the American Lung Association in 2000. This award is presented to recognized persons or groups who have been dedicated to community service.

In addition to her involvement in complex litigation, Carolyn has extensive experience in qualitative research, conducting business, consumer, and jury research. She provides jury research consulting for law firms nation-wide, for the United States District Court, District of Minnesota, and has served as a Minnesota Institute for Legal Education faculty member in the area of jury research. She has experience with trial preparation for consumer products liability cases, mass tort litigation, contract dispute litigation, and medical device litigation.

Carolyn is admitted to practice before, and is a member in good standing of, the Bar of the State of Minnesota and the United States District Court for the District of Minnesota. She is a

member of the Association of Trial Lawyers of America, the Federal Bar Association, the Minnesota Bar Association, and the Hennepin County Bar Association.

**ZIMMERMAN REED ASSOCIATES:**

(Zimmerman Reed Associate Attorneys are: **Hart L. Robinovitch, James P. Watts, Karen J. Cody-Hopkins, David M. Cialkowski, and Timothy J. Becker.**)

**HART L. ROBINOVITCH** is an attorney with Zimmerman Reed practicing in the areas of consumer class action litigation, primarily in the areas of mortgage banking, and general civil and business litigation.

Over the past several years, he has represented clients in a series of class action lawsuits contesting mortgage lenders' excessive billing and deposits practices for mortgage escrow accounts. Mr. Robinovitch is now involved in numerous federal court lawsuits around the country alleging that mortgage banks and lenders have violated federal and state laws. These cases allege payment of kickbacks and/or illegal and unearned referral fees by the banks and lenders to mortgage brokers who refer mortgage clients who are then charged inflated interest rates on the mortgages. He also represents consumers in other actions contesting the imposition of overcharges and improper fees in various mortgage transactions.

Mr. Robinovitch, a native of Canada, is a 1992 graduate of the University of Toronto Law School. He served as an Associate Editor on the University of Toronto Faculty of Law Review. He is also a 1993 *magna cum laude* graduate of William Mitchell College of Law. He received his B.S. in 1989 from the University of Wisconsin-Madison.

Hart Robinovitch is admitted to practice before, and is a member in good standing of, the Bar of the State of Minnesota and the United States District Court for the District of Minnesota. He is

also admitted to United States District Courts for the Northern and Middle Districts of Alabama, Northern District of Georgia, the District of Hawaii, and the Northern District of Oklahoma. Mr. Robinovitch is also admitted to practice before the United States Courts of Appeals for the Eighth and Eleventh Circuits. Hart is a member of the National Association of Consumer Advocates.

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**JAMES P. WATTS** developed extensive experience practicing law in Arizona and Colorado prior to joining ZimmermanReed. An attorney since 1981, Mr. Watts joined Zimmerman Reed in 1996 as Managing Attorney of the firm's Phoenix, Arizona office; he also has a Minnesota-based complex litigation and class action practice. Currently, he is licensed and actively practices law in Arizona, Colorado, and Minnesota.

Mr. Watts has broad trial experience, and his complex litigation practice at ZimmermanReed includes Castano tobacco products liability litigation, diet drugs, Propulsid® and medical device litigation, and consumer class action litigation. Mr. Watts is a member of the ZimmermanReed Castano tobacco litigation team which received the "Breath of Life" award from the American Lung Association in 2000. This award is presented to recognized persons or groups who have been dedicated to community service.

Mr. Watts has extensive experience in complex litigation, including representation of several Arizona municipalities in the Gila River General Stream Adjudication, one of the largest single civil actions ever brought in the United States. He was appointed to the Court's Steering Committee in the litigation, where he helped develop plans and strategies to manage the individual adjudication of hundreds of thousands of individual water rights claims throughout central and southern Arizona.

As lead counsel for several municipalities, Mr. Watts developed legal strategies, directed an interdisciplinary research team, and prepared project budgets and projections.

Mr. Watts is a 1976 Bachelor of Arts graduate of Arizona State University, and a 1981 graduate of the University of Arizona School of Law.

Mr. Watts has lectured and spoken on Arizona water law and the Gila River General Stream Adjudication. He has been a member of the Environmental and Natural Resources Section, State Bar of Arizona, since 1989. He was a Contributing Author (1978-79) and an Executive Editor (1979-80) on *The Arizona Advocate*, which won first place in its size category in an ABA competition in 1979.

Besides being admitted to practice before, and being a member in good standing of, the Bars for the States of Arizona, Colorado, and Minnesota, Mr. Watts is admitted to practice before the United States District Courts for the Districts of Arizona, Colorado, North Dakota, and Minnesota. He is also admitted to the Ninth Circuit United States Court of Appeals. Mr. Watts is a member of the Association of Trial Lawyers of America, Arizona State Bar, State Bar of Colorado, the Minnesota State Bar Association, and Hennepin County Bar Association.

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**KAREN CODY-HOPKINS** serves as the firm's Director of Administration and Acting Director of Marketing while working on a few select cases including Bankruptcy Reaffirmation and Orthopedic Bone (Pedicule) Screw Products Liability Litigation. She is a member of the firm's Management Committee. Prior to joining the firm, she had a Of Counsel relationship with Zimmerman Reed.

Ms. Cody-Hopkins has provided legal and business consulting services to law offices and companies in the Twin Cities and has also practiced as a solo practitioner with an emphasis on trusts, estates, and small business needs. She also served as a Director of Marketing for the Minnesota State Bar Association. Ms. Cody-Hopkins is production editor for the four volume treatise, *Advising Minnesota Business Corporations and Other Business Organizations* (original edition and all supplements to date), and assisted Professor Bobbi McAddo of Hamline University School of Law as Research Associate to the Minnesota Supreme Court's ADR Review Board for a report on "The Impact of Rule 114 on Civil Litigation Practice in Minnesota."

Karen Cody-Hopkins holds a B.A. in government from Smith College and an M.B.A. from the University of Chicago's Graduate School of Business with a specialization in Marketing. After working at 3M for ten years, Karen received her J.D. in 1992 from the Hamline University School of Law where she was Operations Editor for the Hamline Law Review.

Ms. Cody-Hopkins is admitted to practice before, and is a member in good standing of, the Bar of the State of Minnesota and the United States District Court for the District of Minnesota. She is also admitted to practice before the United States District Court for the Eastern District of Wisconsin, the Third Circuit Court of Appeals, and has been admitted *pro hac vice* in Bankruptcy Reaffirmation cases in various federal courts in California.

Ms. Cody-Hopkins is a member of the American Bar Association, Association of American Trial Attorneys, the Minnesota State Bar Association, the Hennepin County Bar Association, the Association of Legal Administrators and its Minnesota chapter, and the Legal Marketing Association.

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DAVID M. CIALKOWSKI joined ZimmermanReed as an attorney practicing in the area of complex and mass tort litigation and class action litigation with a primary focus on consumer protection and products liability litigation.

Mr. Cialkowski graduated in 1995 from the University of Illinois's College of Liberal Arts and Sciences *cum laude* with High Distinction in the Department of English. In addition to participating in the honors program as a James Scholar, Mr. Cialkowski received the Elizabeth and Charles Ellis Merit Scholarship and was a member of Phi Beta Kappa. Mr. Cialkowski graduated in 1998 from the University of Illinois College of Law, where he participated in the civil litigation clinic, was an editor for the Poetic Justice literary magazine, and was voted one of the top ten percent of university teaching assistants.

Mr. Cialkowski is admitted to practice before, and is a member in good standing of, the Bars of the State of Minnesota and the State of Illinois. He is also a member of the Minnesota State Bar Association and Hennepin County Bar Association.

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TIMOTHY J. BECKER joined Zimmerman Reed as an associate practicing primarily in the areas of a complex commercial litigation and anti-trust. Mr. Becker's work includes cases with an emphasis in complex commercial and anti-trust issues including Bankruptcy Reaffirmation and *In re Vitamin* anti-trust litigation.

Mr. Becker is a 1992 graduate of the University of Illinois -Chicago where he received a B.A. in History. In 1995, he received his *Juris Doctorate* from William Mitchell College of Law where

he graduated *cum laude*. Mr. Becker served as a Staff Member of the William Mitchell Law Review from 1993 to 1994, and as an Associate Editor from 1994 through 1995. He has been a member of the Minnesota Bar since 1995 and the Federal Bar since 1997.

Mr. Becker is a member of the Minnesota Trial Lawyers Association and Minnesota State Bar Association. In 1999 he was recognized by Minnesota Law and Politics as a "Rising Young Star" and in 2000 was inducted into Stratmore's Who's Who. His publications include *Is the Doctor In? Reasonableness and the Neal Decision*, Hennepin County Lawyer, 1998.

#### **ZIMMERMAN REED CASES:**

In the following certified class actions, Zimmerman Reed has served as Class Counsel:

#### **ALABAMA STATE COURT ACTIONS**

*Gray v. Columbia National, Inc.*, Circuit Court of Jefferson County, Court File No. 94-006668

*Maddox v. Magnolia Federal Bank*, Circuit Court of Jefferson County, Court File No. 94-2702

*Bell v. Prudential Home Mortgage Company, Inc.*, Circuit Court of Montgomery County, Court File No. CV-94-2717-G

#### **ARIZONA STATE COURT ACTIONS**

*McLaughlin v. Abbott Laboratories*, No. CV 95-0628 (Super. Ct., Yavapai County)

*Verity v. Bank One Arizona*, Maricopa County, Arizona Superior Court No. 97-13019



## CALIFORNIA STATE COURT ACTIONS

*Pickett v. Blue Cross of California*, Los Angeles County Superior Court, Court File No. BC-133-886

*Diamond v. Avco*, Monterey County Superior Court, Court File No. M38427

## DISTRICT OF COLUMBIA

*Goda v. Abbott Laboratories*, No. 01445-96 (Super. Ct., D.C.)

## FLORIDA STATE COURT ACTIONS

*Yasbin v. Abbott Laboratories*, No. 97-01141 CA 03 (Cir. Ct. Dade County)

## NORTHERN DISTRICT OF ILLINOIS

*Calkins v. Fidelity Bond & Mortgage Company*, United States District Court, Court File No. 94-C-5971

*Bradford v. Independence One Mortgage*, United States District Court, Court File No. 94-C-1742

*Mark v. KeyCorp Mortgage, Inc.*, United States District Court, Northern District of Illinois, MDL No. 899

*Glenos v. GL Mortgage Corp.*, United States District Court, Northern District of Illinois, Court File No. 94-CV-6393

*Robinson v. Marine Midland Banks, Inc.*, United States District Court, Northern District of Illinois, Court File No. 95-C-5635

*Goss v. Alliance Mortgage*, United States District Court, Northern District of Illinois, MDL No. 899

*Cusack v. Bank United of Texas*, United States District Court, Northern District of Illinois, Court File No. 95-C-544

*Finkelstein v. Bluebonnet Savings Bank, FSB*, United States District Court, Northern District of Illinois, Court File No. 96-C-2361

*Pieper v. D&N Savings Bank, FSB*, United States District Court, Northern District of Illinois, Court File No. 96-C-545

*Larson v. First Security Savings Bank*, United States District Court, Northern District of Illinois, Court File No. 96-C-541

*Basmoen v. Inland Mortgage Corp.*, United States District Court, Northern District of Illinois, Court File No. 96-C-2322

*Keck v. National City Mortgage*, United States District Court, Northern District of Illinois, Court File No. 96-C-543

*Dusterhoft v. Security Federal Savings Bank*, United States District Court, Northern District of Illinois, Court File No. 96-C-545

*Wuebben v. Colonial Savings Bank*, United States District Court, Northern District of Illinois,  
Court File No. 96-C-3412

*Bastin v. First Indiana*, United States District Court, Northern District of Illinois, Court File  
No. 95-C-4085

*Boehly v. First Federal Bank*, United States District Court, Northern District of Illinois, Court  
File No. 96-C-0936

#### **KANSAS STATE COURT ACTIONS**

*Holdren v. Abbott Laboratories*, No. 96C15994 (Dist. Ct., Johnson County)

#### **LOUISIANA STATE COURT ACTIONS**

*Scott v. American Tobacco Co.*, No. 96-8461, Parish of Orleans

#### **MAINE STATE COURT ACTIONS**

*Karofsky v. Abbott Laboratories*, No. CV-95-1009 (Super. Ct., Cumberland County)

#### **MICHIGAN STATE COURT ACTIONS**

*Wood v. Abbott Laboratories*, No. 96-512561-CZ (Cir. Ct., Oakland County)

#### **MINNESOTA STATE COURT ACTIONS**

*Charles & Lynette Graham v. Knutson Mortgage Corp.*, Hennepin County District Court, Fourth  
Judicial District, State of Minnesota, Court File No. 94-11043

*Mayard v. United Mortgage Corp.*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No. 94-10818

*Miller v. FBS Mortgage Corp.*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No. 94-13743

*Porch v. General Motors Acceptance Corporation*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No. 97-7457

*Kerr v. Abbott Laboratories*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No. 96-2837

*Fontaine v. Abbott Laboratories*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No. 97-012124

*Wright, v. Malt-O-Meal Company*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No. 98-008931

*In re Salmonella Litigation*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No.94-16304

#### **SOUTHERN DISTRICT OF MISSISSIPPI**

*Ballance v. Hibernia National Bank*, Southern District of Mississippi, No. 1:96CV13GR

#### **NEW YORK STATE COURT ACTIONS**

*Levine v. Abbott Laboratories*, No. 95-117320 (Sup. Ct. New York County)

*Zukauskas v. Atlantic Residential Mortgage Corp.*, County of Monroe, Supreme Court of New York Court File No. 11409-93

*Ward v. First Federal Savings and Loan Assoc. of Rochester*, County of Monroe, Supreme Court of New York, Court File No. 8136-93

*Reigle v. Sibley Mortgage Corp.*, County of Monroe, Supreme Court of New York, Court File No. 5897-93

#### **NORTH CAROLINA STATE COURT ACTIONS**

*Long v. Abbott Laboratories*, No. 97-CV-8289 (Super. Ct. Mecklenburg County)

#### **OHIO STATE COURT ACTIONS**

*Cairns v. Ohio Savings Bank*, Common Pleas of Cuyahoga County, Ohio, Court File No. 270875

#### **SOUTHERN DISTRICT OF OHIO**

*Dante v. Dow Corning*, (S.D. Ohio 1992)

*In re Telectronics Pacing Systems, Inc.*, MDL 1057 (S.D. Ohio)

#### **PENNSYLVANIA STATE COURT ACTIONS**

*Herrmann v. Meridian Mortgage Corp.*, Court of Common Pleas Philadelphia County, Court File No. 1381

## TENNESSEE STATE COURT ACTIONS

*Dearmon v. Mercury Finance Tennessee*, Williamson County Chancery Court, File No. 24583

*Meyers v. Abbott Laboratories*, No. 97C612 (Cir. Ct., Davidson County)

## WISCONSIN STATE COURT ACTIONS

*Scholfield v. Abbott Laboratories*, No. 96 CV 0460 (Cir. Ct., Dane County)

## CASES SETTLED

*Cress v. Sara Lee*, Circuit Court of Cook County, State of Illinois, Court File No. 98 L 15072

*Wentworth v. First Bank National Association*, Hennepin County District Court File No. 95-10295

*Cooksey v. Hawkins Chemical Company*, Hennepin County District Court File No. 95-3603

*Ziefel v. M&T Bank*, United States District Court, Northern District of Illinois, MDL No. 899

*Markowitz v. Ryland Mortgage Company*, United States District Court, Northern District of Illinois, Court File No. 94-C-7682

*Murray v. Shawmut Mortgage Company*, County of Monroe, Supreme Court of New York, Court File No. 3037-94

*Singleton v. Dale Mortgage Bankers Corp.*, County of Monroe, Court File No. 8135-93

*Pecorella v. Emigrant Savings Bank*, County of New York, Court File No. 125889-94

*Trotman v. Market Street Mortgage Corp.*, Circuit Court of Montgomery County, State of Alabama, Court File No. CV-94-2716-PH.80

*Jackson v. Compass Bank*, Circuit Court of Shelby County, State of Alabama, Court File No. 95-520

*Kessler v. First Federal of Alabama*, Circuit Court of Jefferson County, State of Alabama, Court File No. CV-94-6140

*Searcy v. Victoria Mortgage Co.*, United States District Court, Northern District of Illinois, MDL No. 899

*Gretchen De Boer v. Mellon Mortgage Company*, United States District Court, District of Minnesota, Court File No. 4-92-822

*Gleeson v. Superior Mortgage Corporation*, United States District Court, District of Minnesota, Court File No. CV 4-93-70

*Gina G. & Rollin Neist v. Shearson Lehman Hutton Mortgage Corp.*, United States District Court, Central District of California No. 91-6369 WMB(GHKx)

*Wingate v. Bank of America*, United States District Court, Central District of California No. CV-92 5786 MRP(SHx)

*Douglas Schultz; James & Andrea Hawkins v. J.I. Kislak Mortgage Corp.*, Superior Court of California, County of Contra Costa No. C91-01541

*Bridgewater v. Sunbelt National Mortgage Corp.*, Superior Court of California, County of Marin, Court File No. 158424

*Gary R. & Deborah L. v. Leader Federal Bank for Savings*, United States District Court, District of Minnesota No. 4-91-516

*Daniel & Suzanne Kruse v. Barclays American/Mortgage Corp.*, United States District Court, District of Minnesota, Court File No. 4-92-197

*Beth Wills v. Cenlar Federal Savings Bank*, United States District Court, District of Minnesota, Court File No. 4-92-202

*Thomas J. & Therese Johnston v. Comerica Mortgage Corp.*, United States District Court, District of Minnesota, Court File No. 4-91-675

*Karin E. & David M. Danforth v. First Union Mortgage Corp.*, United States District Court, District of Minnesota, Court File No. 4-91-457

*Phillippa & Kenneth Saunders v. Metropolitan Financial Mortgage Corp.*, United States District Court, District of Minnesota, Court File No. 4-92-195

*Terry & Larry Jacobson v. Midland Mortgage Co.*, United States District Court, District of Minnesota, Court File No. 4-91-443

*Louis H. & Sue v. Sears Mortgage Corp.*, United States District Court, District of Minnesota, Court File No. 4-91-477



*Kenneth J. & Karen Bovy v. Lumbermen's Investment Corp.*, United States District Court, District of Minnesota, Court File No. 4-91-766

*Nelson v. Investors Savings Bank F.S.B.*, United States District Court, District of Minnesota, Court File No. 4-92-919

*Little, et al. v. Twin City Federal Mortgage Corp.*, United States District Court, District of Minnesota, Court File No. 4-92-998

*Julio A. & Stacy J. Fesser v. Household Mortgage Services, Inc.*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No. 91-011595

*Nasset v. Margaretten & Co., Inc.*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No. 94-9240

*Strommer v. GE Capital Mortgage Services, Inc.*, Hennepin County District Court, Fourth Judicial District, State of Minnesota, Court File No. 92-16064

*Harlow Robinson and Fantastic Enterprises v. Fleet Mortgage Corp. and Fleet Real Estate Funding Corp.*, United States District Court, Northern District of Illinois No. 91-C-7019

*Charles H. & Pamela K. Puleston v. Chase Home Mortgage Corp.*, United States District Court, Northern District of Illinois, Court File No. 95 C 3318

*Glen and Sheila Allen v. Citicorp Mortgage Co.*, United States District Court, Northern District of Illinois, Court File No. 91-C-7020

*Paul Turney v. Lomas Mortgage U.S.A., Inc.*, United States District Court, Northern District of Illinois, Court File No. 91-C-7018

*Kathleen D. Morton v. BancPLUS Mortgage Corp.*, United States District Court, District of Minnesota, Court File No. 4-92-198

*Lake v. First Nationwide Bank*, United States District Court, Eastern District of Pennsylvania, Court File No. 93-0021

*Stefani v. American Home Funding, Inc.*, United States District Court, Western District of New York, Court File No. 93-CV-0093S

*Lyons v. Atlantic Mortgage & Investment Corp.*, County of Monroe, Supreme Court of the State of New York, Court File No. 11410-93

*Hurley v. Citizens Mortgage Service Co.*, County of Monroe, Supreme Court of New York, Court File No. 9862-93

*Murphy, v. The Dime Savings Bank of New York*, County of Queens, Supreme Court of New York, Court File No. 012712-93

*Troy v. Onbancorp*, County of Orleans, Supreme Court of New York, Court File No. 93-21061

*Gallardo v. PHH U.S. Mortgage Corp.*, County of Niagara, State of New York, Court File No. 085444

*Thomason v. Bisys Loan Services, Inc.*, Circuit Court of Jefferson County, State of Alabama,  
Court File No. CV-94-2756

*Williams v. First NH Mortgage Corp.*, Circuit Court of Jefferson County, State of Alabama,  
Court File No. CV-94-5993

*Hope v. STM Mortgage Company*, Circuit Court of Jefferson County, State of Alabama, Court  
File No. CV-94-3194

*Reed v. Banc One Mortgage Corp.*, Marion Supreme Court, County of Marion, Court File  
No. 49D02-9310-CP-1 113CZ

*Verity v. Bank One Arizona*, Maricopa County, Arizona Superior Court No. 97-13019

**ZIMMERMAN REED, P.L.L.P. HAS ALSO BEEN INVOLVED IN THE FOLLOWING  
NATIONAL MULTI-DISTRICT LITIGATION CASES:**

*In re Breast Implant Litigation* MDL 926 (Member of settlement committee, co-state liaison  
for Minnesota)

*In re Mortgage Escrow Litigation* MDL 899 (Lead counsel)

*In re: TMJ Implant Litigation* MDL 1001 (Member of Plaintiffs Steering Committee)

*In re: Orthopedic Bone Screw Litigation* MDL 1014 (Member of Discovery Committee)

*In re Telectronics Pacemaker Litigation* MDL 1057 (Member of Plaintiffs Steering  
Committee)

*In re: Propulsid Products Liability Litigation* MDL 1355 (Member of Plaintiffs' Steering Committee)

*In re: Sulzer Inter-Op Orthopedic Hip Implant Litigation* MDL 1401 (special counsel to Plaintiffs Steering Committee)

**ZIMMERMAN REED, P.L.L.P. HAS ALSO BEEN COUNSEL FOR THE CLASS IN THE FOLLOWING MAJOR CLASS ACTIONS:**

*Gustafson v. Alstead, Strangis & Dempsey*, United States District Court File No. 3-82-965

*Jenson v. Touche Ross & Co.*, Hennepin County District Court File No. 737803

*In re Flight Transportation Corporation Securities Litigation*, United States District Court Master Docket No. 4-82-874

*In re Control Data Corporation Securities Litigation*, United States District Court Master Docket No. 3-85-1341

*In re Pillsbury Corporation Securities Litigation*, Hennepin County District Court File No. 88-17834

*In re Northwest Airlines Securities Litigation*, Hennepin County District Court No. 89-5506

*In re First Bank System*, Hennepin County District Court No. 88-22227

*In re Endotronics Securities Litigation*, United States District Court Master Docket No. 4-87-130

*In re TGI Fridays Securities Litigation*, Hennepin County District Court No. 89-8362.

*Baron v. Honeywell*, United States District Court File No. 3-92-355.

## FIRM PROFILE

LOCKRIDGE GRINDAL NAUEN was founded in 1978 as Opperman & Paquin and has steadfastly maintained its goal of advancing the client's interests. The firm currently employs 29 attorneys, 9 government relations professionals and an extensive support staff utilizing state-of-the-art computer research and automated litigation support systems. With offices in Minneapolis, Minnesota and Washington D.C., the firm's practice includes sophisticated civil litigation, government relations and general client counseling. Lockridge Grindal Nauen clients include local, regional and state governments, trade associations and companies ranging from closely-held companies to Fortune 500 corporations. Areas of practice include:

- Administrative Law
- Antitrust
- Class Actions
- Commercial Litigation
- Corporate Law
- Employment Law
- Environmental Law
- Government Relations
- Health Care
- Indian Law
- Real Estate
- Telecommunications

## Richard A. Lockridge

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Richard A. Lockridge is a partner in the Lockridge Grindal Nauen P.L.L.P. firm. He is a graduate of the University of Iowa Law School (J.D., with high distinction, 1974) where he served as Managing Editor of the Iowa Law Review. Thereafter, he served as a law clerk to the Honorable Myron H. Bright of the U.S. Eighth Circuit Court of Appeals from 1974-76. From 1976-1978 he handled civil litigation as a Special Assistant Attorney General in the Minnesota Attorney General's office.

During the past twenty years of practice, Mr. Lockridge has been continuously active in class action and other complex litigation, including the following: lead or co-lead counsel in Gary Meyers v. The Guardian Life Insurance Company of America, Inc. Litigation, Civil No. 2:97CV35-D-B (N.D. Miss.); Alan B. Spitz and Linda Spitz, and Ann Novacheck v. Connecticut General Life Insurance Company, MDL No. 1136 (C.D. Cal.); In re Summit Medical Systems, Inc. Securities Litigation, Master File No. 97-558 (D. Minn.); In re Digi International Inc. Securities Litigation, Master File No. 97-5 (D. Minn.); In Re Catfish Antitrust Litigation, MDL 928 (N.D. Miss.); Garv G. Smith, et al. v. Little Caesar Enterprises, Inc., et al. (Little Caesar Franchise Litigation), Civil No. 93 CV 74041 DT (E.D. Mich.); In Re: Piper Funds, Inc. Institutional Government Income Portfolio Litigation, Master File No. 3-94-587 (D. Minn.); In re Residential Doors Antitrust Litigation, MDL 1039 (E.D. Pa.); In Re: Carpet Antitrust Litigation, MDL No. 1075; Master File No. 4:95-CV-193-HLM; In Re: LaserMaster Technologies, Inc. Securities Litigation, Master Docket: 4-95-631 (D. Minn.); Richard J. Rodney, Jr., et al. v. KPMG Peat Marwick 4-95-CIV-800 (D. Minn.); In Re Citi-Equity Group, Inc. Securities Litigation, File No. 3-94-1024 (D. Minn.); Lockwood Motors, Inc., et al. v. General Motors Corporation, Civil File No. 3-94-1141 (D. Minn.); David L. Antonson, et al. v. Leon H. Robertson, et al. (American Carriers Securities Litigation) Civ. No. 88-2567 (D. Kan.); In Re Steel Drums Antitrust Litigation, MDL 887 (S.D. Ohio); In Re: New Steel Pails Antitrust Litigation, Master File No. C-1-91-213 (S.D. Ohio); In Re Unisys Savings Plan Litigation, Master File No. 91-3067 (E.D. Pa.); and George Guenther, et al. v. Cooper Life Sciences, et al. (Cooper Life Sciences Securities Litigation), C 89-1823 MHP (N.D. Cal.).

Mr. Lockridge is or has been also involved in the following litigation: In Re Propulsid Products Liability Litigation, MDL 1355; In Re Rezulin Product Liability Litigation, MDL 1348; In Re Tamoxifen Antitrust Litigation, MDL 1408; In Re: K-Dur Antitrust Litigation, MDL 1419; In re Flat Glass Antitrust Litigation, MDL No. 1200; Chemical Distribution, Inc., et al. v. Akzo Nobel Chemicals, et al., MDL 1226 (N.D. Cal.); Durocher v. American Family Life Insurance Co., Case No. 97-CV-292 (Marquette Co. Dist.); In Re: Milk Products Antitrust Litigation, Master File No. 3-96-458 (D. Minn.); Marksman Partners, L.P., et al. v. Chantal Pharmaceutical Corporation, et al., Master File No. CV-96-0872-WJR (RNBx) (C.D. Cal.); In Re: Connecticut General Life Insurance Co. Premium Litigation, MDL No. 1336 (C.D. Cal.); In Re: Lease Oil Antitrust Litigation, MDL No. 1166 (S.D. Tex.); In Re Tricord Systems, Inc. Securities Litigation, Civil No. 3-94-746/RHK/JMM (D. Minn.); In Re: Riscorp, Inc. Securities Litigation, Master File No. CV-96-2374-CIV-T-23A (M.D. Fla.); In re: Nasdaq Market-Maker Antitrust Litigation, MDL 1023 (S.D.N.Y.); John S. Lawrence v. Philip Morris Companies, Inc., et al. (Philip Morris Securities Litigation), Civ. No. 94-1494 (E.D.N.Y.); Leetate Smith, et al. v. Merrill Lynch & Co., et al. (Orange County Bond Litigation), No. SACV-94-1063-LHM(EEEx) (C.D. Cal.); Nelsen v. Craig-Hallum (Craig-Hallum Securities Litigation), Civ. No. 4-86-135 (D. Minn.); Johnson v. Kives (K-Tel Securities Litigation),

Civ. No. 4-85-1216 (D. Minn.); In re Endotronics Securities Litigation, Civ. No. 4-87-130 (D. Minn.); In Re Wirebound Box Antitrust Litigation, MDL 793 (D. Minn.); American Telephone and Telegraph Antitrust Litigation, Civil Action No. 81-2623 (D.D.C.); In Re Domestic Air Transportation Antitrust Litigation, MDL 861 (N.D. Ga.); In Re Painewebber Securities Litigation, 86 Civ. 6776 (VLB), In Re ICN/Viratek Securities Litigation, 87 Civ. 4296 (VLB) (consolidated) (S.D.N.Y.); In re Bioplasty Securities Litigation, Master File No. 4-91-689 (D. Minn.); Low Density Polyethylene Resin Antitrust Litigation, 82 Civ. 1093 (S.D.N.Y.); Dixie Brewing Company, Inc. v. John Barth, Inc. (In re: Hops Antitrust Litigation), Civ. No. 8404434 (E.D. Pa.); Steven S. Mitchell v. Thousand Trails, Inc. (Thousand Trails Security Litigation), Civ. No. C86-146 (W.D. Wash.); and Spencer v. Comserv Corporation (Comserv Securities Litigation), Civil Action No. 4-84-794 (D. Minn.). Mr. Lockridge is also actively working on various Fen-Phen cases.

Mr. Lockridge acted as co-lead defense counsel for the target defendant in Mid-State Oil v. Simonson Oil (price fixing) Civil No. A3-79-18 (D.N.D.); plaintiff's counsel in Superlines Co. v. E.W. Wylie Corp., 1981-2 Trade Cases (CCH) (D. Minn. 1981); and one of the defense counsel in Ray Adduono v. World Hockey Association, 3-82-Civil-586 (D. Minn.).

Mr. Lockridge spent one year in Houston, Texas assisting Steve Susman, Vance Opperman and others on the trial of the Corrugated Container Antitrust Litigation, MDL 310 (S.D. Tex), a case which resulted in one of the largest verdicts (in excess of \$1 billion) ever awarded by a jury in antitrust litigation.

Mr. Lockridge also was one of the attorneys who assisted Vance Opperman in successfully representing West Publishing Company in a monopolization and attempted monopolization case brought by West against Mead Corporation (the then owner of "LEXIS"), and in a monopolization and attempted monopolization case brought by Mead against West (the "LEXIS v. Westlaw" antitrust cases).

Mr. Lockridge is a member of the Hennepin County, Ramsey County, Minnesota State and American (Member, Sections on Securities Law, Antitrust Law and Litigation) Bar Associations. He was chair of the Antitrust Section of the Minnesota State Bar Association in 1985-86. He is also a member of the Corporate Counsel Association of Minnesota, the Federal Bar Association and the American Judicature Society. Mr. Lockridge was named as one of Minnesota's Super Lawyers in the antitrust area by the Minnesota Journal of Law & Politics in 1998, 1999, 2000, and 2001.

## Hugh V. Plunkett, III

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Hugh V. Plunkett, III is a partner in the Lockridge Grindal Nauen P.L.L.P. firm. He is a graduate of Notre Dame University and William Mitchell College of Law.

Hugh V. Plunkett, III has participated in the trial of matters involving products liability, commercial lending, securities, antitrust, insurance, industrial chemicals and prescription drugs. He has practiced extensively in the area of class actions, multiparty joinders and multi-district litigation on matters ranging from antitrust to securities and product defense.

During the past ten years of practice, Mr. Plunkett has been active in class action and other complex litigation, including the following: co-lead counsel in In Re Air Transportation Excise Tax Litigation, Civil File No. 3-96-CV-453 (D. Minn.); and Peterson v. BASF Corp., Civil No. C2-97-295 (Norman County District Court, Minnesota).

Mr. Plunkett is or has been also involved in the following litigation: In Re Propulsid Products Liability Litigation, MDL 1355; In Re Rezulin Product Liability Litigation, MDL 1348; In Re Tamoxifen Antitrust Litigation, MDL 1408; In Re: K-Dur Antitrust Litigation, MDL 1419; In Re Digi International, Inc. Securities Litigation, Master File No. 97-5 (D. Minn.); In Re Flat Glass Antitrust Litigation, MDL 1200; In Re Milk Products Antitrust Litigation, Master File 3-96-458 (D. Minn.); In Re Linerboard Antitrust Litigation, MDL 1261; In Re MSG Litigation, MDL File No. 00-1328; In Re Blue Cross Blue Shield Subscriber Litigation, Master File No. 19-C3-98-7780 (Dakota County District Court, Minnesota); Brown v. State of Minnesota, Court File No. 98-11152 (Hennepin County District Court, Minnesota); Good v. Fluor Daniel Corp., Case No. CT-00-5021-RHW (E.D. Wash.); In Re Berg, Master File No. CY-96-3151-AAM (E.D. Wash.); In Re Lutheran Brotherhood Variable Insurance Products Co. Sales Practices Litigation, MDL No. 1309; Crosby v. Aid Association for Lutherans, File No. 00-CV-2112 MJD/RLE (D. Minn.); Villa v. Rexall Sundown, Inc., Court File No. 00-9061 (Palm Beach County Court, Florida); In Re European Rail Pass Antitrust Litigation, MDL 1386; In Re High Pressure Laminates Litigation, MDL 1368 (CLB); In Re Green Tree Acceptance Corp. Securities Litigation, Master File No. 97-2666 (JRT/RLE) (D. Minn.); Hanson v. TCI Cable Corp., Court File No. CX- 97-1434 (Mower County District Court, Minnesota).

Included among Mr. Plunkett's accomplishments are the following: Law Clerk to Justice Martin A. Nelson, Minnesota Supreme Court; Past President, County and Tenth District Bar Associations; Member, Board of Governors; Minnesota State Bar Association; Appointed by Governor Anderson to the Minnesota State Board of Community Colleges and past member of the Minnesota Higher Education Coordinating Counsel; Past chairman, Board of Trustees, LAW PAC, Minnesota State Bar Association; Lecturer and author in trial strategies, Continuing Legal Education; Member, Litigation Sections, Minnesota and American Bar Associations.

Mr. Plunkett is a past member of the board of directors of Mutual of Omaha Insurance Company and United of Omaha Life Insurance Company, as well as the Executive Committee and various other committees of those boards. Mr. Plunkett is also a member of the International Academy of Trial Lawyers.



Admitted to practice and a member of the Bar of the Eighth Circuit Court of Appeals and the Federal District Court for the District of Minnesota, Mr. Plunkett has practiced throughout the Federal Judicial System and before the Multi-District Panel. He is a member of the Eighth Circuit Judicial Conference and the Federal Practice Committee of the Eighth Circuit and District of Minnesota.

In late 2001, attorneys High V. Plunkett, Robert K. Shelquist, and Yvonne M. Flaherty litigated a nation-wide class action case involving claims of consumer fraud and violations of the New Jersey Consumer Fraud Act. The trial team, lead by Mr. Plunkett and Mr. Shelquist, successfully captained the six week trial which concluded with the jury awarding \$45 million to the class.

## Robert J. Schmit

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Robert J. Schmit is a partner in the firm of Lockridge Grindal Nauen P.L.L.P. He is a graduate of the University of Minnesota Law School (J.D., magna cum laude, 1969) where he served on the Law Review. After serving with the Judge Advocate General's Corp of the United States Army, he became a partner in a large Twin Cities law firm. Since entering private practice, Mr. Schmit has specialized in complex commercial litigation. In 1978, Mr. Schmit became a founding partner in his present firm. Mr. Schmit has been substantially involved in many complex class action cases on behalf of both plaintiffs and defendants. He is a member of the Hennepin County, Minnesota State, American and Federal Bar Associations. He serves as the chair of the Antitrust Section of the Minnesota State Bar Association from 1996-1998.

He has had substantial involvement, on behalf of both plaintiffs and defendants, in numerous complex cases. He served as co-lead counsel in: In re Workers' Compensation Insurance Antitrust Litigation, Civ. No. 4-85-1166 (class action antitrust action); Cimmaron Pipeline Construction v. The National Council on Compensation Insurance, Civ. No. 89-1186 (W.D. Okla.) (antitrust class action).

Mr. Schmit is or has been actively participating in In Re Propulsid Products Liability Litigation, MDL 1355; In Re Rezulin Product Liability Litigation, MDL 1348; Robinson Rubber Products Co. v. Hennepin County, Civ. No. 4-95-220 (D. Minn.) (Class action flow control case); In re Corrugated Container Antitrust Litigation, MDL 310 (S.D. Tex.) (class action antitrust litigation); George Guenther v. Cooper Life Sciences, Civ. No. 89-1823 (N.D. Cal.) (securities class action); Robert Claitor, d/b/a Claitor's Book Store v. West Publishing Company, Civ. No. 3-71-267 (D. Minn.) (antitrust class action); Howe, et al. v. Varsity Corporation and Massey-Ferguson Inc., Civ. No. 88-1598-E (S.D. Iowa) (ERISA class action); West Publishing Company v. Mead Data Central, Inc., Civ. No. 4-85-931 (D. MINN.) (copyright litigation); Beckers v. International Snowmobile Industry Association (D. Minn.) (class action antitrust action); In re Antibiotic Drug Antitrust Litigation (MDL 10) (class action antitrust litigation); In re Wheatheart, Inc. (N.D. Tex.) (multi-state bankruptcy/securities litigation); National Gypsum v. Gypsum George (D. Minn.) (antitrust action); Oskey Oil Co. v. Mobil Oil (D. Minn.) (petroleum allocation/antitrust action) and ToloMatic, Inc. v. W. C. Branham, Inc., et al. (D. Minn.) (patent infringement/antitrust action).

## Robert K. Shelquist

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Robert K. Shelquist is a partner in the Lockridge Grindal Nauen P.L.L.P. firm. He is a graduate of the University of California at Berkeley (A.B. Legal Studies; A.B. Political Science with high honors 1987) and the University of Minnesota Law School (J.D. *cum laude* 1990). Thereafter, he was associated with the law firm of Popham, Haik, Schnobrich & Kaufman in Minneapolis from 1990 until 1995 and a partner in the law firm of Plunkett Schwartz Peterson, P.A. in Minneapolis, Minnesota from 1995 to 2000.

During the past ten years of practice, Mr. Shelquist has been active in class action and other complex litigation, including the following: co-lead counsel in In Re Air Transportation Excise Tax Litigation, Civil File No. 3-96-CV-453 (D. Minn.); and Peterson v. BASF Corp., Civil No. C2-97-295 (Norman County District Court, Minnesota).

Mr. Shelquist is or has been also involved in the following litigation: In Re Propulsid Products Liability Litigation, MDL 1355; In Re Rezulin Product Liability Litigation, MDL 1348; In Re Tamoxifen Antitrust Litigation, MDL 1408; In Re: K-Dur Antitrust Litigation, MDL 1419; In Re Digi International, Inc. Securities Litigation, Master File No. 97-5 (D. Minn.); In Re Flat Glass Antitrust Litigation, MDL 1200; In Re Milk Products Antitrust Litigation, Master File 3-96-458 (D. Minn.); In Re Linerboard Antitrust Litigation, MDL 1261; In Re MSG Litigation, MDL File No. 00-1328; In Re Blue Cross Blue Shield Subscriber Litigation, Master File No. 19-C3-98-7780 (Dakota County District Court, Minnesota); Brown v. State of Minnesota, Court File No. 98-11152 (Hennepin County District Court, Minnesota); Good v. Fluor Daniel Corp., Case No. CT-00-5021-RHW (E.D. Wash.); In Re Berg, Master File No. CY-96-3151-AAM (E.D. Wash.); In Re Lutheran Brotherhood Variable Insurance Products Co. Sales Practices Litigation, MDL No. 1309; Crosby v. Aid Association for Lutherans, File No. 00-CV-2112 MJD/RLE (D. Minn.); Villa v. Rexall Sundown, Inc., Court File No. 00-9061 (Palm Beach County Court, Florida); In Re European Rail Pass Antitrust Litigation, MDL 1386; In Re High Pressure Laminates Litigation, MDL 1368 (CLB); In Re Green Tree Acceptance Corp. Securities Litigation, Master File No. 97-2666 (JRT/RLE) (D. Minn.); Hanson v. TCI Cable Corp., Court File No. CX- 97-1434 (Mower County District Court, Minnesota). Mr. Shelquist is also actively working on various Fen-Phen cases.

## Yvonne M. Flaherty

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Yvonne M. Flaherty is an associate in the Lockridge Grindal Nauen P.L.L.P. firm. She is a 1996 graduate of William Mitchell College of Law. She received her Bachelor's degree from St. Olaf College in 1992. Prior to joining the firm, Ms. Flaherty practiced primarily in the areas of general civil and class action litigation. She is a member of the Minnesota Trial Lawyers Association and the Minnesota State, Hennepin County, and Federal Bar Associations.

Ms. Flaherty is or has been involved in the following litigation: In Re Propulsid Products Liability Litigation, MDL 1355; In Re Rezulin Product Liability Litigation, MDL 1348; In Re Tamoxifen Antitrust Litigation, MDL 1408; In Re: K-Dur Antitrust Litigation, MDL 1419; Good v. Fluor Daniel Corp., Case No. CT-00-5021-RHW (E.D. Wash.); In Re Rezulin Product Liability Litigation, MDL 1348; Villa v. Rexall Sundown, Inc., Court File No. 00-9061 (Palm Beach County Court, Florida). Ms. Flaherty is also actively working on various Fen-Phen cases.

**Andy D. Birchfield, Jr.** Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., Montgomery. Mr. Birchfield is active in legal organizations. He is presently serving as a member of the Character & Fitness Committee of the Alabama State Business Bar and as Editor of the Business Tort Section. In the past, Andy served as President of the Alabama Young Lawyers and President of Montgomery County Young Lawyers.

Andy is also an active member of First Baptist Church where he serves as secretary-treasurer of the deacons.

Mr. Birchfield is a member of The Association of Trial Lawyers of America and the Montgomery and Alabama Trial Lawyers Association and Montgomery County Bar Association. He is a *cum laude* graduate of Samford University and a magna *cum laude* graduate of Jones School of Law where is served two terms as President of the Student Bar Association and as Chancellor of the legal fraternity. Mr. Birchfield's areas of practice include mass torts, commercial litigation and consumer fraud litigation.

## AFFIDAVIT OF JOHN W. (DON) BARRETT

STATE OF MISSISSIPPI  
COUNTY OF HOLMES

I was a Carrier Scholar at the University of Mississippi, graduating magna cum laude in 1967. While at Ole Miss, I was a member of numerous scholastic and leadership honorary societies, was editor of the 1967 *Ole Miss* yearbook, and was elected to the University Hall of Fame. I graduated with honors from the Ole Miss Law School in 1969.

I am one of two partners of a thirteen-lawyer firm called Barrett Law Office, P.A. This firm has been actively engaged in the practice of law in Lexington, Mississippi, since March of 1933., and now also maintains an office in Nashville, Tennessee. Both of the firm's managing partners are rated AV by Martindale-Hubbell.

For more than thirty-two years I have maintained an active trial practice throughout Mississippi, and have substantial experience in state and federal courts throughout the nation, primarily in product liability, environmental torts, and consumer fraud.

I am a former chairman of the toxic torts section of the Mississippi Trial Lawyers Association, a founding member of the Charles Clark Inn of Court in Jackson, the founding president of the Mississippi Community College Attorneys Association, and was the Mississippi Bar delegate to the 1993 and 1994 Fifth Circuit Judicial Conferences.

Basically, I make my living preparing and trying lawsuits for injured plaintiffs. I have not kept count of the cases I have tried, but there have been many. I have won a substantial majority of the cases that I have tried. I have lost some cases, too.

Since 1986 I have taken a national leadership role in litigation against cigarette companies. I am one of only three plaintiff's attorneys in the United States to have tried three tobacco liability cases through jury submission. I had a leadership role in the massive *Castano* class action

litigation in the U. S. District Court in New Orleans, and in its related state class action cases around the country. I am one of the attorneys who represented the State of Mississippi, through Attorney General Mike Moore, in the state's successful efforts to recover its cigarette-related health care monies spent over the past years. I also represented the Attorneys General of New York, Louisiana, Arizona, Washington, Indiana, Alaska, Idaho, Oregon, Rhode Island, Ohio, Vermont, Illinois, and the Commonwealth of Puerto Rico in their successful litigation against the tobacco industry. I was one of three plaintiffs' attorneys who negotiated the landmark settlement with Liggett Group announced in March of 1996, as well as one of the lead attorneys in the historic settlement agreement entered into by twenty-two Attorneys General with Liggett Group on March 20, 1997. My tobacco litigation experiences have been chronicled in various national publications, including the *ABA Journal*, *The New York Times*, *The American Lawyer*, *the Wall Street Journal*, and *The Washington Post*. I have been featured in two books concerning tobacco litigation: (Cornered: Big Tobacco at the Bar of Justice, by Peter Pringle (Henry Holt and Company, New York City, 1998); and The People vs. Big Tobacco, by Carrick Mollencamp, et al (Bloomberg Press, Princeton, N.J., 1998), and my experiences in tobacco litigation are the primary focus of another book, Assuming the Risk, by Michael Orey (Little, Brown & Co., New York City, September, 1999).

I have also been featured on national television shows, including CBS's 60 Minutes, ABC's Day One, CNN's Moneyline, Court TV's Cochran & Grace and Pro's & Con's, British Broadcasting Company (BBC)'s The Tobacco Wars, which was rebroadcast in the United States by The Learning Channel, for my work in tobacco litigation, and on NBC's Dateline concerning my insurance fraud litigation.

One case which I have concluded is the class action case of *Nealy v. Woodman of the World Life Insurance Society*. This was a discrimination case brought against an insurance

company, in which I was co-lead counsel. This case was settled for \$23.1 million, which settlement was approved by Chief Judge William H. Barbour, Jr., of the U. S. District Court for the Southern District of Mississippi in August of 1995. In approving this settlement, Judge Barbour had the following to say:

THE COURT...I have got a very brief statement to make that I want to make into the record...

Despite the protestations of Woodmen as to their innocence of discrimination, I think it is fairly clear that the company has since its inception practiced invidious racial discrimination against African-American citizens. I think that obviously...this lawsuit has been the impetus on the very direct actions of Woodmen to hire black agents and to begin very actively selling and soliciting to black policyholders. This should also move to remove the discrimination from the lodge systems and other fraternal benefits.

I think that this is a very good example as to how the class action suit can be made and used to make substantial changes that need to be made and which could not be made but for the fact that there is enough reward system in it for diligent counsel on the class plaintiffs' side to make substantial investments not only of time but also of dollars to prosecute these cases.

So I think that this is a very good example of how (the) private attorney general idea under the class action mechanism can be used to obtain very real results and I see the results in this case not so much in the substantial settlement of \$23 million, which will benefit these class members, but in the breakdown of a very strong system of racial discrimination which has apparently been followed by this company until it had the heat put on it by this lawsuit...

Accordingly, I congratulate the class counsel for the settlement that you have made, for the progress you have made in regard to this particular company and for the results that have been obtained.

I understand that I have a good reputation among the bar that I practice with and against. Alex Alston, a past president of the Mississippi Bar, said the following in an affidavit dated August 2, 1995, filed in support of our petition for approval of the settlement in the above-mentioned *Nealy* case:



This is a contingent fee case in which a common fund has been created whereby monetary benefits will extend to an ascertainable class of persons similarly situated. Members of the class will be benefitted substantially as a result of what I regard as remarkable vision, skill and expertise of class counsel. Class counsel assumed the full risk of this case and took the case from a full denial of liability to an offer by defendant of a paltry sum, then to the remarkable result ultimately reached in the case. This case represents an excellent example of the "private attorney general" vindicating the rights of individuals who otherwise might not consider it worth the candle to individually embark on litigation of this nature.

\* \* \* \*

Highly skilled and competent counsel were required to achieve these results, from the basic formulation of a theory and a filing of a class action complaint to the class action settlement before this court. In my opinion, the members of the team working together to resolve this matter on behalf of the class were highly skilled, and their respective talents were necessary to bring about this remarkable result. All of class counsel (have) previously been involved in class action and complex litigation over the country, especially in the southeastern United States.

Class counsel Don Barrett has been practicing law primarily on the side of plaintiffs in the southeastern United States for over 25 years. I have observed him and worked with him throughout his practice. He is an extremely highly skilled plaintiff's lawyer who is recognized as one of the best in this state.

I was lead counsel in Houchens, et al v. Rockwell, a complex environmental tort case which resulted in a \$218 million verdict for the plaintiffs on May 31, 1996, after a two-month trial in Russellville, Kentucky. This case was reversed by the Kentucky Court of Appeals and is presently pending before the Kentucky Supreme Court. Over the past several years I have tried and collected damages for various plaintiffs in other environmental cases, the total of which exceeds \$20 million.

I also represented the State of Mississippi in its effort to recover monies lost by Mississippi consumers, and by the state itself, as a result of an alleged price-fixing conspiracy among infant formula manufacturers. I was also co-counsel for plaintiffs in state court class-actions in thirteen state court actions involving this same price-fixing conspiracy. These cases resulted in multi-million

dollar settlements in twelve of these states, but only in the making of some bad law in the thirteenth state (Louisiana), on a remand issue that plaintiffs lost in a tie vote (4-4) before the U.S. Supreme Court in March of 2000.

I am the lead Court-appointed counsel for the plaintiffs in the litigation against General Motors Corporation concerning the "sidesaddle" fuel tank litigation. Final approval of a nationwide settlement with a minimum value to the class of \$500 million was achieved in April of 1999.

I was co-lead counsel in the national class action against Chrysler Corporation for its defective rear minivan door latches. In this case, a settlement was reached in the U.S. District Court for the Middle District of California in the fall of 1995, and was finally approved by the Ninth Circuit Court of Appeals in early 1999.

I was lead counsel for the plaintiffs in *Cox v. Shell Oil Co., et al*, in the state court in Tennessee, a class action case concerning defective home plumbing systems; this case resulted in a nation-wide settlement in November, 1995, of \$950 million, by far the largest property-damage settlement ever achieved in this country. As a result of the Cox litigation, on July 22, 1997, I was awarded the Public Justice Achievement Award by the Trial Lawyers for Public Justice Foundation "in recognition of (my) extraordinary contribution to the public interest."

I was co-lead counsel for the plaintiff class in *Holmes v. Trustmark National Bank, et al*, U.S.D.C., So. Dist Mississippi, No 1:95cv323BrR, a forced-placed insurance class action which resulted in an \$8.8 million settlement approved by Judge Bramlette on June 4, 1997. In approving the settlement, the Court referred to my "substantial experience in mass-tort litigation" and wrote that class counsel "vigorously and zealously represented (the class members') interests throughout this litigation."

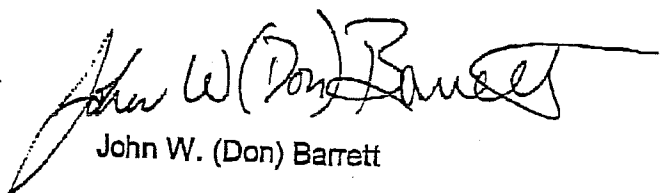
I was lead class counsel and lead trial attorney for the plaintiffs in a national class action against State Farm Mutual Insurance Company in Illinois, concerning State Farm's use of imitation crash parts in auto repair. After a seven-week trial ending in October of 1999, the jury awarded a verdict of \$456 million and an additional \$730 million award was imposed by the trial judge on the consumer fraud count. This is the largest verdict ever rendered in the State of Illinois and the largest against any insurance company in the United States. As a result of that litigation, I was named the first-ever "Litigator of the Month" by the National Law Journal in its issue of November 22, 1999. This verdict was subsequently affirmed by a unanimous Illinois Court of Appeals, and is currently on appeal to the Illinois Supreme Court.

On November 22, 2000, I was appointed as the Lead Class Counsel by Chief Judge Sarah Evans Barker in the ongoing Bridgestone/Firestone/Ford tire and Explorer litigation, centralized in the U.S. District Court for the Southern District of Indiana (MDL No. 1373). The Court certified a nationwide class for trial purposes in December, 2001.

Most recently, I was named by Judge Kathleen O'Malley, U.S.D.C., Northern District of Ohio, to the Plaintiffs' Steering Committee in In Re: Inter-Op Hip Prosthesis Liability Litigation, MDL Docket No. 01-CV-9000, and I was the principal negotiator for the plaintiff class for a \$573 million settlement reached with defendants, which settlement was preliminarily approved by Judge O'Malley on August 29, 2001.


In summary, I am an experienced plaintiff's attorney and class action litigator.

Further, affiant sayeth not.

  
John W. (Don) Barrett

SWORN TO and subscribed before me, on this the 18<sup>th</sup> day of January, 2002.



  
Notary Public  
My Commission Expires: 1/18/05

## Turner W. Branch

Turner W. Branch born in Houston, Texas, on August 22, 1938, graduated from the University of New Mexico, receiving a Bachelor of Arts Degree in Political Science in 1960. While at the University of New Mexico, he was President of the student body and a member of Phi Sigma Alpha, the Political Science Honorary Society, as well as a member and President of Pi Kappa Alpha Social Fraternity. He was very active in athletics and student affairs.

Upon graduation from the University of New Mexico, Mr. Branch was commissioned as a Second Lieutenant in the United States Marine Corps where he immediately went to active duty at Quantico, Virginia. Thereafter, Mr. Branch was assigned to Camp Pendleton, California and joined the Second Battalion of Fifth Marines, First Marine Division. Thereafter, he attended Baylor Law School where he graduated in November of 1965. He was a member of Phi Delta Phi Legal Fraternity, was on the Editorial Board of the *Baylor Law Review*, and in his senior year received the T. R. McDonald Award as the outstanding student of Baylor University School of Law.

Mr. Branch has practiced in New Mexico since 1966 and was a founding member of the Branch Law Firm. He is a member of the State Bar of New Mexico, the State Bar of Colorado, the State Bar of Texas and the Bar Association of the District of Columbia. Mr. Branch was elected as a Fellow in the International Academy of Trial Lawyers, which is a prestigious organization consisting of five hundred lawyers throughout the world, and serves on that organization's Board of Directors. He is a life member of Association of Trial Lawyers of America, and served as the New Mexico Representative for Association of Trial Lawyers of America for 12 years. He is a former Trustee for National College of Advocacy, Diplomate in the American Board of Trial Advocates, National Board of Directors of the American Board of Trial Advocates, former President New Mexico Chapter of ABOTA 1982-83, and received an outstanding service award from the American Board of Trial Advocates. He is certified as a Civil Trial Specialist by the New Mexico Board of Legal Specialization. He is Board Certified as a Civil Trial Advocate by the National Board of Trial Advocacy and has been certified as a Civil Trial Specialist since 1984. He is a Master Benchers in the American Inns of Court; serves as the Out-of-State Liaison on the Board of Directors for the State Bar of Texas (2000-2003); is Senior Counsel of the American College of Barristers; and serves on the Board of Directors of the Senior Lawyers Division for the State Bar of New Mexico. He is on the Board of Governors of the Western Trial Lawyers Association, and served as a Board Member of New Mexico Trial Lawyers from 1968 - 1976. He is also admitted to all United States District Courts in Texas, New Mexico and Colorado, and the 5<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> United States Circuit Courts of Appeal, as well as the United States Supreme Court.

**ELIZABETH J. CABRASER**

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San Francisco, CA 94111  
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(415) 956-1008 (Fax)  
E-mail:ecabraser@lchb.com

**EDUCATION:**

**UNIVERSITY OF CALIFORNIA** at Berkeley (Boalt Hall)  
J.D., June 1978

**UNIVERSITY OF CALIFORNIA** at Berkeley  
A.B., 1975

**AFFILIATION:**

Lieff, Cabraser, Heimann & Bernstein, LLP (1995 to Present),  
Partner  
Lieff, Cabraser & Heimann (1986 through 1994), Partner  
Lieff & Cabraser (1981 through 1985), Partner  
Law Offices of Robert L. Lieff (1978 to 1981), Associate

Lieff, Cabraser, Heimann & Bernstein, a 65-lawyer AV-rated law firm with offices in San Francisco, New York, Washington, D.C., Boston and Nashville, concentrates its practice in complex civil litigation in the subject areas of mass tort, securities and investment fraud, environmental disaster, consumer, employment and product liability, and the pro bono representation of plaintiffs in civil rights and human rights litigation.

**BAR**

**ADMISSIONS:**

United States Supreme Court  
United States Tax Court  
California Supreme Court  
Federal Circuit Courts:  
Second Circuit Court of Appeals  
Third Circuit Court of Appeals  
Fifth Circuit Court of Appeals  
Sixth Circuit Court of Appeals  
Seventh Circuit Court of Appeals  
Ninth Circuit Court of Appeals  
Tenth Circuit Court of Appeals  
Eleventh Circuit Court of Appeals  
Federal District Courts:  
Northern District of California  
Southern District of California  
Eastern District of California  
Central District of California  
District of Hawai'i

District of Arizona

AWARDS  
AND HONORS:

1997, 2000 National Law Journal "One Hundred Most Influential Lawyers in America"

1997 Trial Lawyers for Public Justice Public Justice Achievement Award, "for outstanding contribution to protecting consumer rights and the public interest as Co-Counsel in the Polybutylene Pipe Class Action Litigation"

1998 Consumer Attorneys of California Presidential Award of Merit  
"In Recognition of Her Dedication to the Legal Profession and Her Outstanding Service on Behalf of Her Clients."

1998 National Law Journal "Fifty Most Influential Women Lawyers"

1998 California Lawyer "Lawyers of the Year"

1998, 1999 California Daily Journal "California Law Business Top 100 Lawyers"

2000 Legal Aid Society "Matthew O. Tobriner Public Service Award"

2001 National Law Journal "Top Ten Women Litigators"

LEADERSHIP  
ROLES IN  
MULTIDISTRICT  
AND COMPLEX  
LITIGATION:

**FEDERAL MULTIDISTRICT/COMPLEX LITIGATION**

In re Cordis Pacemaker Product Liability Litigation, MDL No. 850 (S.D. Ohio), Plaintiffs' Co-Lead Counsel

In re Silicone Gel Breast Implants Products Liability Litigation, MDL No. 926 (N.D. Ala.), Settlement Class Counsel; Plaintiffs' National Steering Committee; Co-Chair, Law Committee; Official Tort Claimants Committee, Dow Corning Bankruptcy Proceedings

In re Felbatol Products Liability Litigation, MDL No. 1048 (N.D. Cal.), Plaintiffs' Lead Class Counsel, Plaintiffs' Liaison Counsel

In re Diet Drugs Products Liability Litigation, MDL No. 1203 (E.D. Pa.), Plaintiffs' Management Committee

In re Bridgestone/Firestone Tires Products Liability Litigation,  
MDL No. 1371 (S.D. Ind.), Class Plaintiffs' Executive  
Committee, Class Counsel

In re American Family Publishers Business Practices Litigation,  
MDL No. 1235 (D.N.J.), Plaintiffs' Lead Counsel

In re Providian Financial Corp. Credit Card Terms Litigation,  
MDL No. 1301 (E.D. Pa.), Plaintiffs' Co-Lead Counsel

In re Holocaust Victims Assets Litigation, (S.D.N.Y.) Plaintiffs'  
Executive Committee

In re the Exxon Valdez, Case No. A89-095 Civil (Consolidated)  
(D. Alaska), Plaintiffs' Class Counsel

In re Northern California Mortgage Brokerage Securities  
Litigation, MDL No. 521 (N.D. Cal./E.D. Cal.), Plaintiffs' Lead  
Counsel

In re Cable/Tel. Corp. and Entities Securities Litigation, MDL No.  
619 (E.D. Pa.), Plaintiffs' Co-Lead Counsel

In re United Energy Corporation Solar Energy Module Securities  
Litigation, MDL No. 726 (C.D. Cal.), Plaintiffs' Lead Counsel

In re FPI/Agretech Securities Litigation, MDL No. 763 (D.  
Hawai'i), Plaintiffs' Co-Lead and Class Counsel

In re Air Disaster Near Honolulu, Hawaii on February 24, 1989,  
MDL No. 807 (N.D. Cal.), Plaintiffs' Liaison Counsel

In re First Commodity Corp. of Boston Customer Accounts  
Litigation, MDL No. 713 (D. Mass.), Plaintiffs' Steering  
Committee

In re ACC/Lincoln Savings Securities Litigation, MDL No. 834 (D.  
Ariz.), Plaintiffs' Steering Committee

In re Granada Partnerships Securities Litigation, MDL No. 837  
(S.D. Tex.), Plaintiffs' Co-Lead Counsel

In re First American Center Partnerships Securities Litigation,  
MDL No. 868 (S.D.N.Y.), Plaintiffs' Lead Counsel

In re First Capital Investment Product Litigation, MDL No. 901  
(C.D. Cal.), Policyholder Lead Counsel

In re Precious Metals Securities Litigation, MDL No. 904 (C.D. Cal.), Plaintiffs' Lead Counsel

In re Sears Automotive Center Consumer Litigation, Civ. No. C-92-2341-RHS (N.D. Cal.), Plaintiffs' Co-Lead Counsel

In re General Motors Corporation Pickup Truck Fuel Tank Products Liability Litigation, MDL No. 961 (E.D. Pa.), Plaintiffs' Co-Lead Counsel

In re Copley Pharmaceutical, Inc. "Albuterol" Products Liability Litigation, MDL No. 1013 (D. Wyo.), Plaintiffs' Class Counsel

Roberts v. Bausch & Lomb (N.D. Ala.) (nationwide consumer price fixing/overcharge class action), Plaintiffs' Class Counsel

In re Teletronics Pacing Systems, Inc. Accufix Atrial "J" Leads Products Liability Litigation, MDL No. 1057 (S.D. Ohio), Plaintiffs' Executive Committee

Castano v. American Tobacco, No. 94-1044 (N.D. La.), Plaintiffs' Executive Committee; Chair, Law Committee

In re Ford Ignition Products Liability Litigation, MDL No. 1112 (D.N.J.), Plaintiffs' Executive Committee

## **STATE COURT CLASS ACTIONS/COORDINATED PROCEEDINGS**

Exxon Valdez Oil Spill Litigation, (Alaska) 3 AN-89-2533 Civil (Consolidated), Plaintiffs' Class Counsel

Neptune Society Cases, (California) Judicial Council Coordination Proceeding Nos. 1814 and 1817, Plaintiffs' Lead Class Counsel; Plaintiffs' Litigation Committee

Sconce/Lamb Cremation Cases, (California) Judicial Council Coordination Proceeding No. 2085, Plaintiffs' Lead Class Counsel

Sacramento River Spill Cases I and II, (California) Judicial Council Coordination Proceeding Nos. 2617 and 2620, Plaintiffs' Liaison Counsel; Plaintiffs' Class Counsel

In re ABS Pipes II (California) Judicial Council Coordination Proceeding No. 3126; Plaintiffs' Class Counsel

In re Providian Credit Card Litigation, (California) J.C.C.P. No. 4085, Plaintiffs' Co-Lead and Liaison Counsel



Naef v. Masonite, (Mobile Co., Alabama) (nationwide litigation class certified; \$1 billion class settlement approved 1998), Class Counsel

Cox v. Shell Oil Co., (Obion Co., Tennessee) (nationwide litigation class certified/\$950 million settlement approved 11/95) Class Counsel

Avery v. State Farm Auto Insurance Company, (Williamson County, Illinois) No. 97-L-114 (nationwide litigation class certified/\$1 billion class judgment), Class Counsel

#### PUBLICATIONS

##### TREATISES:

Contributor/Editor, Moore's Federal Practice (1999)

Contributor/Editor, California Causes of Action (1998)

##### ARTICLES:

(Los

"Life After Amchem: The Class Struggle Continues," 31 Loyola Angeles Law Review 373 (January 1998)

Conn.L.Rev.

"Enforcing the Social Contract Through Civil Litigation," 33 1239-1258 (2001)

"Your Products Liability Hit Parade: A Class Torts Top 20," 37 Tort & Insurance Law Journal, 269 (Fall 2001)

"Equity for the Victims, Equity for the Transgressor: The Classwide Treatment of Punitive Damages Claims," 74 Tulane Law Review 205 (June 2000)

"The Dynamics of Federalism in the Class Action Context: Forum Selection, Federal/State Jurisdiction, Competing and Co-Existing Class Actions, and Attempted Mass Opt-Outs," (2000 Second Circuit Judicial Conference, June 15-18, 2000)

"The Legacy of Asbestos Litigation: Challenges and Complications in the Settlement of Mass Tort Class Actions," (Mass Tort Litigation Conference, NYU Law School, March 24, 2000)

"Parallel State/Federal Prosecution and Class Certification of Medical Monitoring Claims in Mass Tort Litigation: Lessons From Fen/Phen," (Mealey's Toxic Torts Conference, April 17-18, 2000)

"A Solution in Search of a Problem: Why Federalization of Class Actions to Benefit Corporate Interests is Unnecessary," (The

Recorder, June 14, 2000)

“Case Selection and Coordination in the Class Action Context: Forum Selection, Federal/State Jurisdiction, Competing and Co-Existing Class Actions,” (CAOC, 18th Annual Las Vegas Convention, September 2000)

“Beyond Bifurcation: Multi-Phase Trial Structures in Mass Tort Class Actions,” (ABA Section of Litigation, Class Actions & Derivative Suits, Spring 1997, Vol 7, No. 2) (5-30-97)

Reports

“Mandatory Certification of Settlement Classes,” 10 Class Action 151 (1987).

“Advocacy and Management in Complex Litigation: The First Thirty Days” (California CEB)

“The Applicability of the Fraud-On-The-Market Theory to ‘Undeveloped’ Markets: When Fraud Creates the Market,” 12 Class Action Reports 402 (1989).

“How To Streamline Complex Litigation: Tailor a Case Management Order to Your Controversy,” 21 The Brief 12 (ABA/TIPS Summer 1992)

“Advocacy and Management In Complex Litigation,” (CEB Advanced Trial Practice Series) (1991).

“Preparing, Proposing and Implementing Case Management Orders” (ABA Tort and Insurance Practice Section, Spring Meeting, 1991)

“Class Actions in Aviation Disaster Litigation” (ATLA 1991 Annual Convention)

“Securities Litigation, Strategies and Current Developments” (CEB/PLI 1991 Securities Program)

“Measuring Damages in Securities Actions: Plaintiff’s Methodologies and Strategies” (PLI 1991 Realty Partnership Program)

“Confronting or Deflecting Limited Partners’ Securities Claims in the Light of Lampf” (PLI 1991)

“Taking Depositions in an Age of Limits” (ABA Division of Professional Education 1991)

“Developments in the Termination of Securities Actions by Dismissal or Summary Judgment” (PLI 1993)

“Syndicating Litigation: Advocacy, Ethics and the Limits of Entrepreneurship,” ABA Section of Business Law 1993

“Mass Tort Class Action Settlements,” 24 CTLA Forum 11 (Jan./Feb. 1994)

“Do You Know the Way from San Jose? The Evolution of Environmental and Toxic Nuisance Class Actions,” Class Actions & Derivative Suits, ABA Section of Litigation (Spring 1994).

“An *Oracle* of Change? Realizing the Potential of Emerging Fee Award Methodologies for Enhancing The Role and Control of Investors in Derivative and Class Action Suits,” American Law Institute Principles of Corporate Governance (October 1994).

“Recent Developments in Discovery Under Revised Rule 26,” Aspen Law and Business, 1995

“Discovery of Accountants as Third Parties and Defendants: Privilege Issues and Ethical Considerations,” (PLI 1995)

“Professional Liability of Lawyers and Accountants in the Securities Law Context: Initial Reflections on Central Bank of Denver,” 1995

“Getting the Word Out: Pre-Certification Notice to Class Members Under Rule 23(d)(2)”, Class Actions & Derivative Suits, ABA Section of Litigation (Fall 1995)

“Implications of the Third Circuit’s General Motors Decision”, Complex Tort Litigation, American Conference Institute (Spring 1996)

“The Road Not Taken: Fifth Circuit Decertifies Castano Nationwide Addicted Smokers’ Class,” Class Actions & Derivative Suits, ABA Section of Litigation (Summer 1996)

“Developments in Nationwide Non-Injury Products Liability Litigation” (ALI-ABA Products Liability, July 1996)

“The Necessity of Class Actions in a Global Economy,” First Annual ABA National Institute on Class Actions (Summer 1997)

“Recent Developments in Nationwide Products Liability Litigation: The Phenomenon of Non-Injury Products Cases, the

Impact of Amchem and the Trend Toward State Court Adjudication, and the Continued Viability of Carefully Constructed Nationwide Classes in the Federal Courts,” ABA Products Liability (February 1998)

“Nationwide Class Certification and Settlement Classes in the Post-Amchem Era: Recent Federal and State Decisions,” Second Annual ABA National Institute on Class Actions (Summer 1998)

“Trends and Developments in Mass Torts and Class Actions In Year One of the Post-Amchem Era,” ALI-ABA Course of Study, Civil Practice and Litigation Techniques in the Federal Courts (August 1998)

“Trends and Developments in Mass Torts and Class Actions In the Post-Amchem Era,” ALI-ABA Course of Study, Civil Practice and Litigation Techniques in the Federal Courts (January 1999)

Litigation  
Right to Jury Trial?”  
“Coordination From a Plaintiffs’ Perspective” (ABA Section of April 1999) “Taking the Seventh: Who Owns the  
(California Daily Journal, 11-11-99)

“Class Action Trends and Developments After *Amchem* and *Ortiz*,” (SemiAnnual Advanced ALI-ABA Course of Study, Civil Practice and Litigation Techniques in the Federal and State Courts, December 9-11, 1999)

“Current Issues Involving Rule 12(B)(6) and Rule 9(B),” (SemiAnnual Advanced ALI-ABA Course of Study, Civil Practice and Litigation Techniques in Federal and State Courts, December 1999)

“Sanctions Under the Federal Rules of Civil Procedure,” (The Federal Discovery News, March 2000)

“Trends and Developments in the Filing, Certification, Settlement, Trial and Appeal of Class Actions,” (SemiAnnual Advanced ALI-ABA Course of Study, Civil Practice and Litigation Techniques in the Federal and State Courts, April 13-15, 2000)

**BAR**

ASSOCIATIONS: American Bar Association Section of Litigation: Co-Chair, Mass Torts Committee; Committee on Class Actions and Derivative Suits; Tort and Insurance Practice Section (TIPS); Past Vice-Chair, Rules & Procedures Committee, Contributor, Civil Procedure & Evidence News Letter; Business Law Section, Corporate & Litigation Group.

State Bar of California: Litigation Section  
Conference of Delegates

Federal Bar Association: Northern District of California Chapter

Association of Trial Lawyers of America (ATLA): California State  
Liaison, Women Trial Lawyers Caucus

Consumer Attorneys of California (CAOC)

Trial Lawyers for Public Justice (TLPJ)

Bar Association of the Fifth Federal Circuit

California Women Lawyers (CWL)

Association of Business Trial Lawyers (abtl)

Queens Bench

Bar Association of San Francisco (BASF)

Board of Directors: 1997-1998

Past President: Securities Litigation Section

Past Member: Judiciary Committee

Lawyers Club of San Francisco

National Association of Women Lawyers

National Association of Securities & Commercial Attorneys

(NASCAT):

Member, Federal Rules Committee;

Committee on Amicus Requests and Law Development

Bay Area Lawyers for Individual Freedom (BALIF)

San Francisco Trial Lawyers Association, Board of Directors (past)

PROFESSIONAL  
AFFILIATIONS:

American Law Institute Council, May 1999 - present

American Law Institute 1993-present

Consultative Groups, Restatement [3d] of the Law: Torts;

Restatement of the Law: The Law Governing

International Jurisdiction and

Lawyers; Adviser,  
Judgments Project

American Inns of Court, San Francisco Chapter

Ninth Judicial Circuit Historical Society

Editorial Board, Western Legal History

Board of Directors, United States District Court for the Northern  
District of California Historical Society

Civil Justice Foundation

**FEDERAL  
COURT**

**APPOINTMENTS:**

Northern District of California Advisory Committee on  
Professional Conduct ("ACPC"), Pursuant to General Order No.  
40, May 1995 -

Lawyer-Delegate, Ninth Circuit Judicial Conference 1992 - 1995

Member, Northern District of California Civil Justice Reform Act  
(CJRA) Advisory Committee 1991 - 1994

Member, Lawyer-Delegate/CJRA Advisory Committee Joint Local  
Rules Revision Task Force

1991 Chair, CJRA Advisory Committee on Case Management/Access

Contributor, CJRA Civil Justice Expense & Delay Reduction Plan;  
Case Management Pilot Program 1991

Member, CJRA Pilot Project Task Force 1992

Faculty, Federal Judicial Center 1992 Case Management Skills  
Development Seminar (for Federal Judges), Gleneden Beach,  
Oregon

Faculty, Federal Judicial Center 1991 Case Management Skills  
Development Seminar (for Federal Judges) Breckenridge,  
Colorado

**STATE**

**APPOINTMENTS:**

Member, California Constitution Revision Commission, 1994 -  
1996

Member, California Senate Special Task Force on Shareholder  
Litigation, 1996 -

Planning

Member, National Center for State Courts Mass Tort Conference  
Committee

MOST  
SIGNIFICANT  
CALIFORNIA  
TORT LAW  
DECISION:

Christensen v. Superior Court (1991) 54 Cal. 3d 868 [2 Cal. Rptr 2d 79] (briefed and argued for plaintiffs-appellees). The California Supreme Court affirmed that surviving family members are the direct victims of defendants' tortious mishandling of their decedents' remains, not mere bystanders under Dillon v. Legg, and need not have witnessed desecrations to have standing to sue for infliction of emotional distress. The action was thereafter certified and settled as a class action.

CIVIC ACTIVITIES: Board of Directors, NOW Legal Defense and Education Fund  
Treasurer, Legal Aid Society of San Francisco  
Member, Lawyers' Committee on Civil Rights  
Member, NAACP Legal Defense and Education Fund

TEACHING ACTIVITIES:  
LECTURES,  
SEMINARS  
AND COURSES:

Advanced Course in Civil Procedure: Complex Litigation/Mass Torts, Boalt Hall School of Law (Spring Semester 2002) (course co-taught with Prof. Francis McGovern)

Fifth Annual Irving H. Green Memorial Lecture "What We Owe Each Other: Enforcing the Social Contract Through Civil Litigation," UCLA School of Law (April 6, 1998)

United States Judicial Conference Committee on Federal-State Jurisdiction, Mass Torts Panel Presentation (January 2002)

Panelist and Contributor, First, Second, Third, Fourth and Fifth Annual Georgetown University Law Center Mass Tort Litigation Institute (1996 - 2001)

Panelist and Contributor, Managing Complex Litigation: Procedures and Strategies for Lawyers and Courts, ABA TIPS 1991 Spring Meeting

Panelist and Contributor, CEB Trial Practice Series: Advocacy and Management in Complex Litigation, March 1991

Panelist and Contributor, Practising Law Institute (PLI) Program, The Realty Partnership in Default, 1991

Contributor, Managing Mass Tort Cases: A Resource Book for

State Trial Court Judges

Panelist and Contributor, Practicing Law Institute (PLI) Program:  
Securities Litigation, 1991

Contributor, ABA National Institute, Taking Depositions, 1992

Panelist and Contributor, ABA Business Law Section 1992 Annual Meeting Programs, Mandatory Settlement Class Certification: Beyond the Limited Fund

Panelist and Contributor, BASF/Barrister Club Program: (How to Deal With) Hardball Litigation Tactics, 1992

Panelist and Contributor, Practicing Law Institute (PLI) Program:  
Securities Update, 1993

Panelist and Contributor, 1993 Ninth Circuit Judicial Conference Program: Federal-State Court Coordination of Mass Tort Litigation

Panelist and Contributor, 1993 ABA Annual Meeting Program:  
Syndicating Litigation

Panelist and Contributor, 1993 SFTLA and CTLA California Litigation Technologies Seminar

Panelist and Contributor, 1994 Hastings College of the Law MCLE Program, "Major 1993 Amendments to the Federal Rules of Civil Procedure and an Examination of Related Local Rules for the Northern District of California"

Panelist and Contributor, 22nd Annual Securities Regulation Conference (1995)

Panelist and Contributor, 1995 and 1996 ALI/ABA/Federal Judicial Center Telecast: "New Directions in Federal Civil Practice, Procedure, and Evidence"

Panelist and Commentator, Institute for Judicial Administration Research Conference on Class Actions, NYU School of Law, April 1995

Speaker, Institute for Legal Studies, "Tobacco Policy Research Program" (1995)

Speaker and Panelist, "A Practical Look at Complex MDL and Mass Tort Litigation," Northwestern School of Law Conference



(1995)

Faculty, Speaker, Panelist and Contributor, "Civil Practice and Litigation Techniques in the Federal Courts", ALI/ABA (1995 - Present)

Faculty, Speaker and Contributor, ALI/ABA Advanced Products Liability Seminar (July 1996, 1998 and 1999)

Speaker, Complex Tort Litigation, American Conference Institute (Spring 1996)

Panelist, Mass Tort Litigation Panel, Stanford Law School (Fall 1996)

Speaker ABTL The Punitive Damages Jury Trial (Winter 1996)

Speaker, ALI-ABA Current Issues in Corporate Governance (Winter 1994) (Winter 1996) (Winter 1997)

Speaker, ABA 26th Annual Conference on Environmental Law (Spring 1997)

Speaker and Contributor, First through Fourth Annual ABA National Institutes on Class Actions (1997 - 2000)

Speaker and Contributor, National Law Journal Fen-Phen Litigation Seminar (March 1998)

Co-Chair, Speaker and Contributor, Andrews Fen-Phen Litigation Seminar (April 1998)

Panelist "Champagne Panel on Current Class Action Issues of the Future," 1998 Judicial Conference of the Fifth Federal Circuit (April 1998)

Guest lecturer on Advanced Torts and Products Liability, Stanford, Columbia and NYU Law Schools

**STANLEY M. CHESLEY**  
**1513 CENTRAL TRUST TOWER**  
**CINCINNATI, OHIO 45202**  
**(513) 621-0267**

Stanley M. Chesley was born on March 26, 1936 in Cincinnati, Ohio. He attended the University of Cincinnati, and obtained his B.A. in 1958, and his LL.B. in 1960 from the University of Cincinnati Law School. He was admitted to the Bar in 1960 and joined the firm of Waite, Schneider, Bayless & Chesley Co., L.P.A. The firm was originally founded in 1860. In 1878, the firm became Cleveland & Waite, with the inclusion of Morrison R. Waite, the grandson of one of the Chief Justices of the United States Supreme Court. The firm, of which Stanley M. Chesley is President, presently has a staff of 52, including 18 attorneys.

**PROFESSIONAL ASSOCIATIONS**

Member of the Supreme Court of the United States; Supreme Court of Ohio; United States Court of Appeals for the Second, Fourth and Sixth Circuits. Member of the State of Ohio and Commonwealth of Kentucky State Courts. Member of the Federal District Courts of: Ohio, Kentucky, West Virginia, Texas, New York (by invitation), Nevada, Pennsylvania. Board Member of the American Judicature Society; Member of the American Bar Association, Ohio Bar Association, American Trial Lawyers Association, Ohio Academy of Trial Lawyers, Cincinnati Bar Association.

Served 8 years on the Board of Commissioners of Grievances and Discipline for the Supreme Court of Ohio, serving as its Vice Chair from 1992 through 1993, and serving as its Chairman from 1994 through 1995, appointed by the Supreme Court to discipline attorneys and judges in Ohio. Lecturer and Author for the Practicing Law Institute; Lecturer and Author for the American Bar Association. Has also written and lectured extensively for many legal organizations.

**NATIONAL AND MAJOR REGIONAL LITIGATION**  
**(BEGINNING WITH MOST RECENT CASES)**

*In Re Sulzer Hip Prosthesis and Knee Prosthesis Liability Litigation*, United States District Court, Northern District of Ohio, National Co-Chair.

*In Re Microsoft Corp. Litigation*, United States District Court, District of Maryland (Co-Chair).

*In Re Vitamins Antitrust Litigation*, United States District Court, District of Columbia; United States District Court, Southern District of Ohio, Western Division (Counsel for Procter & Gamble).

*In Re Castano Tobacco Litigation*, (Lead counsel for settlement negotiations and member of the Executive Committee)(and related cases including the Louisiana state class action, the Ohio state class action, the New Mexico state class action, the Maryland state class action, the District of Columbia class action, the New York state class action, the California state class action, the

Pennsylvania state class action, the Alabama state class action, the Minnesota state class action, the Texas state class action, the New Jersey state class action, and the Illinois state class action.)

*In Re Premiere Technologies Litigation*, United States District Court, Northern District of Georgia.

*In Re United Parcel Service Inc. Excess Value Insurance Coverage Litigation*, United States District Court, Southern District of New York (Co-Lead Counsel).

*Pro Bono* Counsel for the World Jewish Congress, the World Jewish Restitution Organization, the Conference on Jewish Material Claims Against Germany, their constituent members and the Holocaust victims that they represent, in the following matters: Swiss Banks Litigation, Austrian Banks Litigation, the German Economic Foundation Initiative and the International Commission on Holocaust Era Insurance Claims.

Plaintiffs' Lead Counsel, *City of Cincinnati v. Beretta, U.S.A. Corp., et al.*, Court of Common Pleas, Hamilton County, Ohio. (Gun Litigation).

Plaintiffs' Lead Counsel, *In Re: Aircrash Near Peggy's Cove, Nova Scotia on September 2, 1998*, U.S.D.C. Eastern District of Pennsylvania.

Plaintiffs' Lead Counsel and Co-Chair of Plaintiffs' Management Committee, Appointed By Judge Louis Bechtle, *In Re: Diet Drugs (Phentermine, Fenfluramine and Dexfenfluramine) Products' Liability Litigation*, U.S.D.C. Eastern District of Pennsylvania.

Lead Counsel and Class Counsel, *In Re: Bjork-Shiley "C/C" Heart Valve Litigation*, (worldwide defective heart valve litigation, approximately 42,000 claimants), U.S.D.C. Southern District of Ohio.

Plaintiffs' Lead Counsel, *Cincinnati Enquirer Newspaper Carriers' Contract Dispute Litigation*, U.S.D.C. Southern District of Ohio.

Member, Plaintiffs' Lead Counsel Committee, *In Re: Southern Ohio Correctional Facility*, (representation of inmates in constitutional rights case involving prison riot), U.S.D.C. Southern District of Ohio.

Plaintiffs' Lead Counsel, *Springfield v. Board of Education*, (representation of handicapped children against School Board), U.S.D.C. Southern District of Ohio.

Chairman of Plaintiffs' Steering Committee, *In Re: Teletronics Pacing Systems, Inc.* (defective pacemaker, involving approximately 40,000 claimants), U.S.D.C. Southern District of Ohio, MDL #1057.

Plaintiffs' Lead Counsel, *Indian Creek Elevator Tragedy*, Court of Common Pleas, Hamilton County, Ohio.

Plaintiffs' Lead Counsel, *In Re: Shell Oil Litigation*, U.S.D.C. Southern District of Ohio.

Plaintiffs' Lead Counsel, *In Re: Ohio School Milk Litigation* (price-fixing), U.S.D.C. Southern and Northern Districts of Ohio.

Member of Plaintiffs' Lead Counsel Committee, *In Re: Harvestore Litigation*, U.S.D.C. Southern District of Ohio.

Chairman of Plaintiffs' Lead Counsel Committee and Class Counsel, *In Re: Copley Pharmaceuticals, Inc.*, MDL #1013 (U.S.D.C. Wyoming, Hon. Clarence Brimmer).

Plaintiffs' Lead Counsel, *AK Steel Explosion Litigation*, Court of Common Pleas, Butler County, Ohio.

Trial Counsel for Proctor & Gamble, *Proctor & Gamble v. Bankers' Trust Litigation*, U.S.D.C. Southern District of Ohio.

Member of Plaintiffs' Steering Committee, *In Re: USAir Flight #427 Aircrash Disaster at Pittsburgh, PA*, U.S.D.C., Western District of Pennsylvania, MDL #1040.

Chairman of Plaintiffs' Steering Committee, *In Re: USAir Flight #405 Aircrash Disaster at New York's LaGuardia Airport*, U.S.D.C. Northern District of Ohio, MDL #936.

National Co-Chairman of Plaintiffs' Steering Committee, *In Re: Silicone Gel Breast Implant Litigation*, U.S.D.C. Northern District of Alabama, MDL #926.

Member of Plaintiffs' Steering Committee, *In Re: Pan Am Aircrash Litigation at Lockerbie, Scotland*, U.S.D.C. Eastern District of New York, MDL #799.

Lead Counsel and Class Counsel, *In Re: Fernald Nuclear Power Plant Litigation, (I and II)*, U.S.D.C., Southern District of Ohio.

Plaintiffs' Lead Counsel, *In Re: Chubb Group of Drought Insurance Companies Litigation*, U.S.D.C. Southern District of Ohio, MDL #782.

Plaintiffs' Lead Counsel, *In Re: ChoiceCare Litigation*, U.S.D.C. Southern District of Ohio.

Member of Plaintiffs' Lead Counsel Committee, *In Re: Northwest Aircrash Litigation, Flight #255*, Detroit, Michigan, U.S.D.C. Eastern District of Michigan, MDL #742.

Member of Plaintiffs' Lead Counsel Committee, *In Re: L-Tryptophan Litigation*, U.S.D.C. Southern District of Ohio, MDL #865.

Plaintiffs' Lead Counsel, *In Re: Miamisburg Train Derailment Litigation*, U.S.D.C. Southern District of Ohio.

Plaintiffs' Lead Counsel, *In Re: E-Ferol Litigation*, Court of Common Pleas, Hamilton County, Ohio.

Member of Plaintiffs' Committee and Plaintiffs' Steering Committee, *In Re: San Juan Dupont Hotel Fire Litigation*, U.S.D.C. District of Puerto Rico, MDL #721.

Member of Plaintiffs' Lead Counsel Committee, *In Re: Air Canada Aircrash at Covington, Kentucky*, U.S.D.C. Eastern District of Kentucky, MDL #569.

Member of Plaintiffs' Co-Lead Counsel Committee, *In Re: Aircrash Disaster at Gander, Newfoundland*, U.S.D.C. Western District of Kentucky, MDL #638.

Lead Counsel for printers in *Scripps Howard Litigation* (breach of contract for proposed lifetime contract for 100 printers), U.S.D.C. Southern District of Ohio.

Plaintiffs' Lead Counsel, *In Re: Holiday Inn Fire Litigation at Cambridge, Ohio* (arson case), U.S.D.C. Southern District of Ohio.

Member of the Second Plaintiffs' Management Committee which effectuated the trial plan and settlement, *In Re: Agent Orange Litigation*, U.S.D.C. Eastern District of New York, MDL #381.

Member of the Executive Committee of the Plaintiffs' Lead Counsel Committee, *In Re: MGM Grand Hotel Fire Litigation*, U.S.D.C. District of Nevada, MDL #453.

Member of Plaintiffs' Management Committee and Liaison Counsel, *In Re: "Bendectin" Products Liability Litigation*, U.S.D.C. Southern District of Ohio, MDL #486.

Plaintiffs' Class Lead Counsel, *In Re: Beverly Hills Supper Club Fire Litigation* (165 deaths and numerous injuries), U.S.D.C. Eastern District of Kentucky.

STANLEY M. CHESLEY  
NATIONAL ORGANIZATIONS

Member of the United States Holocaust Museum Council, appointed by the President of the United States in 1995.

National Vice Chairman, United Jewish Communities (1992 - Present).

National Secretary, United Jewish Communities, 1996.

Member of National Leadership Campaign Cabinet, United Jewish Communities, 1994-Present.

Board of Governors, United Jewish Communities (1994 - Present).

Chairman, Major Gifts Committee, Midwest Region of the United Jewish Communities, (1992-1993).

Board of Directors, American Jewish Joint Distribution Committee (JDC) (1993 - Present).

National Executive Committee and Board of Directors, American Israel Public Affairs Committee.

Member of the National Board of Governors, American Jewish Committee (1991 - Present).

Member of the National Board of Governors, Hebrew Union College (1990 - Present).

National Board of Directors, American Committee For the Weizmann Institute of Science.

Member, International Leadership Group of the United Jewish Communities and Keren Hayasod (1992 - Present).

Board of Directors and Executive Committee, Jewish National Fund.

REGIONAL AND LOCAL ORGANIZATIONS

Board of Trustees of the University of Cincinnati (9 member Board) for nine years from 2/15/85 through 1/1/94, serving as Chairman of the Board for 5 years, from 1988 through 1992, appointed by the Governor of Ohio.

Board Member, University of Cincinnati Foundation.

Board Member, United Appeal (United Way).

Member of Cincinnati Bar Association.

Life Board Member, NAACP.

City of Cincinnati, Chaired Funding to Re-open Inner City Swimming Pools.

President of the Jewish Federation of Cincinnati (1990-1992).

Chairman of the Jewish Federation of Cincinnati Annual Campaign (1986).

Board of Trustees of the Jewish Federation of Cincinnati (1980 - Present).

Board of Directors, Jewish Community Center of Cincinnati and President of Camp Livingston.

Member of the Executive Board, American Jewish Committee, Cincinnati Chapter.

Co-Chairman, Board of Overseers, Hebrew Union College, Cincinnati Campus.

Board of Directors, Israel Bonds.

Member of the Board of Trustees of the Cincinnati Ballet.

Member of the Board of Trustees of WCET Public Television.

## VITAE

### JOHN R. CLIMACO

In 1969, John R. Climaco, a 1967 graduate of Case Western Reserve University Law School, founded Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., L.P.A., a 30-member law firm, with offices in Cleveland and Columbus, Ohio; Washington, D.C.; and New Orleans, Louisiana. He currently devotes the majority of his time to complex and class action litigation, including mass tort, product liability, tobacco addiction, toxic tort and RICO.

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

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

From 1984 to July, 1988, he served as General Counsel of the International Brotherhood of Teamsters. He has also represented Kent State University; the State of Ohio; the City of Cleveland; the Cleveland Board of Education; and, until his untimely death, Sammy Davis, Jr. He was a member of the Plaintiffs' Steering Committee and acted as one of the trial counsel in a case against USAir arising out of the crash of Flight 405 at LaGuardia Airport in March, 1992. Since 1994, he has been a member of the Castano Plaintiffs' Legal Committee serving as Acting Chairman and Co-Chairman of various committees, including the Discovery and Fee Committees. In 2000, he and the other 50 Castano law firms received the "Breath of Life Award" from the American Lung Association for their work in representing millions of claims against the tobacco industry. He is a member of the trial team in *Scott, et al. vs. The American Tobacco Company, Inc., et al.*, Class Action Claim No. 96-8461 in the Civil District Court of Louisiana, Parish of Orleans. He is also involved as a PMC "Common Benefit" attorney in *In Re Diet Drugs Products Liability Litigation*, MDL No. 1203 (U.S. District Court, Eastern District of Pennsylvania.). He is also Co-Lead Counsel in *In Re: Inter-Op Hip Prosthesis Liability Litigation*, MDL No. 1401 (U.S. District Court, Northern District of Ohio); and serves as one of the Class Counsel in *Brack, et al. vs. General Motors Corporation*, Case No. CV 98 04046, Superior Court of New Mexico, County of Bernalillo. He also presently serves on the Discovery Committee in *In Re: Rezulin Product Liability Litigation*, MDL 1348, U. S. District Court, Southern District of New York; and the Discovery and Scientific Committees in *In Re: Propulsid Products Liability Litigation*, MDL No. 1355, U. S. District Court, Eastern District of Louisiana.

John has lectured on trial preparation and practice, RICO, ERISA and labor and employment law throughout the country including the Stetson University College of Law's Annual Conference; the New York City Bar Association; the Aspen, Colorado Advanced Criminal Law Institute; the Case Western Reserve College of Law-CLE Program; the Health Care Section Conference of the Cleveland Bar Association; the Columbus Bar Association's Annual Litigation Institute and the Institute of Business Law of California State University, Los Angeles and the Ohio CLE Institute. In January, 2001, he was a panel member in the Mealey's Baycol Seminar in San Diego, California. He has also appeared on local and national radio and television, including **The Phil Donahue Show**, **Larry King Live**, **NightLine** and **Good Morning America**, discussing various legal issues.

He is a Life Member of the Judicial Conference of the United States Court of Appeals for the Sixth Circuit, as well as a Charter and Life Member of the Judicial Conference of the Eighth Judicial District of Ohio. He is a member of the Justinian Forum which serves as a professional organization for attorneys and judges of Italian heritage in Northern Ohio; an Advisory Board Member of the Alzheimer's Disease and Related Disorders Association; and the Association for Retarded Citizens/Cuyahoga County, which selected him to receive the 1992 and the 1997/98 Service to the Center Award.

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



## CURRICULUM VITAE

### WALTER C. DUMAS

Dumas and Associates Law Corporation  
1263 Government Street  
Post Office Box 1366  
Baton Rouge, Louisiana 70821  
Telephone: (225) 383-4701  
Toll Free: (800) 219-2130  
Fax: (225) 383-4719  
E-mail: [wdumas1@bellsouth.net](mailto:wdumas1@bellsouth.net)

### Education

Public School - Ascension Parish  
Southern University - Bachelor of Arts Degree (1966)  
Southern University Law Center - Juris Doctorate (1969)

### Bar Admissions

Louisiana Bar Association  
Appeared pro hac vice in Mississippi and Texas

### Federal Court Admissions

Fifth Circuit Court of Appeals  
Middle, Eastern and Western Districts of Louisiana

### Religious, Community and Civic Services

1. Ordained Deacon - Shiloh Missionary Baptist Church  
185 Eddie Robinson Sr. Drive  
Baton Rouge, Louisiana 70802

The church library was constructed and named in my honor in January 1998.

2. Professorship named in my honor in Environmental Toxicology at Southern University, 2001.
3. Provided funding to establish B.K. Agnihotri Professorship at Southern University Law Center.
4. Establishment of three (3) Walter C. Dumas/Shiloh Missionary Baptist Church Scholarships in the amount of \$5,000 each, 2001.

5. Recipient of the National Baptist Convention, USA, Incorporated, Layman of the Year Award, 1997.
6. "Louisiana Best", 2001.
7. Recognized for Outstanding Service - Baranco-Clark YMCA's Black Achievers Program.
8. Sustaining Member - Boy Scouts of America.
9. Member - 100 Black Men of Metro Baton Rouge (a founding member).
10. Past and Original Member - Southern University Board of Supervisors.
11. Past Board Member - Baranco-Clark YMCA.
12. Past Board Member - Baton Rouge Churches and Synagogues.
13. Past Board Member - Arts and Humanities Counsel of Greater Baton Rouge.
14. Past Board Member - Capital Area Legal Services.
15. Past Board Member - Ethics Commission of East Baton Rouge Parish.
16. Past Board Member - Plan of Government Study Committee for East Baton Rouge.

### **Professional Activities**

1. Judge, Baton Rouge City Court - Appointed by the Louisiana Supreme Court (1978).
2. Louisiana Bar Association.
3. American Bar Association.
4. Louis A. Martinet Association.
5. American Trial Lawyers Association.
6. Louisiana Trial Lawyers Association.

7. Louisiana Association of Criminal Defense Lawyers.
8. Legal Counsel - Louisiana Democratic Party; March 1992 - March 2000.
9. Co-National Chairman of the Ephedra Litigation Group.
10. 1997 Distinguished Alumnus, Southern University Law Center.
11. Board Member - Louisiana Association of Criminal Defense Lawyers.
12. Chairperson - East Baton Rouge Indigent Defender Board.
13. Who's Who in America Law.
14. Recognized for outstanding service - Louisiana Association of Criminal Defense Lawyers.
15. Recognized for recruitment efforts - Louisiana Association of Trial Lawyers of America.
16. Lawyer of the Year - VCI International; 1992.
17. Recognized for outstanding service - Black Caucus Police Jury of Louisiana State Conference.
18. Recognized for outstanding service - Louisiana Legislature Black Caucus.

### **Speaking Engagements**

1. Invited Speaker - Louisiana State Bar Association  
Topic: "*Class Action*"; 2000.
2. Invited Speaker - Southern University Law Center Continuing Legal Education  
Topic: "*Anatomy of A Mass Tort Case*"; 2001.
3. Invited Speaker - American Trial Lawyers Association  
Topic: "*Pharmaceuticals and Medical Devices PPA, Ephedra, Lotronex, and Sulzer Hip Implants*"; 2001.
4. Invited Speaker - National Bar Association  
Topic: "*Mass Torts*".

5. Invited Speaker - African American Judges of Louisiana  
Topic: "*Class Actions*"; 1999.

### Mass Torts/Class Actions

- \*\* 1. *Aline Ricks, et al v. American Home Products Corporation, et al.*  
CA No. 01-0488, United States District Court, Eastern District of Louisiana  
(PPA Litigation); 2001.
- \*\*\*\* 2. *In Re: Diet Drug Products Liability Litigation*  
MDL 1203, United States District Court, Eastern District of Pennsylvania.
- \*\*\*\* 3. *In Re: Propulsid Products Liability Litigation*  
No. 00-MD-01355, United States District Court, Eastern District of Louisiana;  
2000.
4. *Bridgestone/Firestone Litigation*  
No. MDL 1373, United States District Court, Southern District of Indiana,  
Indianapolis Division; 2000.
- \*\* 5. *In Re: Eunice Train Derailment*  
Number 00-1267, United States District Court, Western District of Louisiana,  
Lafayette-Opelousas Division; 2000.
6. *Arthur Gregoire, III, et al v. Burlington Northern, et al*  
Number 6:00 CV 1188, United States District Court, Western District of  
Louisiana, Lafayette-Opelousas Division; 2000.
7. *Reginald Grace, Sr., et al v. PCS Nitrogen Fertilizer, L.L.P.*  
Suit No. 99-CV-00436, United States District Court, Middle District of Louisiana;  
1999.
- \* 8. *In Re: The Matter of the Complaint of Ingram Barge Company*  
CA No. 97-226, United States District Court, Middle District of Louisiana; 1997.
9. *In Re: Complaint of Clearsky Shipping Corp., as Owner, et al.*  
CA No. 96-4099, Sec. "G" (1), United States District Court, Eastern District  
of Louisiana; 1996.

- \*\* 10. *In Re: 1994 Exxon Chemical Plant Fire*  
Master Docket No. 94-MS-3-B-M1, United States District Court, Middle District of Louisiana;
11. *Vivian Folsie, et al v. C F Industries*  
Suit No. 00-1645, United States District Court, Middle District of Louisiana; 2000.
12. *Dennis, et al v. C F Industries*  
Suit No. 004040D-M3, United States District Court, Middle District of Louisiana; 2000.
13. *Carnell Bell, et al v. Honeywell International, Inc.*  
Suit No. 474944, Parish of East Baton Rouge, 19<sup>th</sup> Judicial District Court; 2000.
14. *Roy Harrison, Jr., et al v. R. R. Morrison and Sons, et al*  
Suit No. 00-1947, Parish of Ouachita, Fourth Judicial District Court; 2000.
15. *Terrence Hayes, et al v. MEI Corporation, et al*  
Suit No. 26861, Parish of St. James, 23<sup>rd</sup> Judicial District Court; 2000.
16. *Shirley Alexander v. AlliedSignal (Honeywell)*  
Suit No. 469996, Parish of East Baton Rouge, 19<sup>th</sup> Judicial District Court; 2000.
17. *Hoyt Calvey, et al v. Dupre Transport, Inc.*  
Suit No. 31089, Parish of West Baton Rouge, 18<sup>th</sup> Judicial District Court; 2000.
18. *Wendell Loring, Sr. v. Davidson Transport, Inc.*  
Suit No. 002401, Parish of Ouachita, 4<sup>th</sup> Judicial District Court; 2000.
19. *James R. Hull, et al v. Specto*  
Suit No. 30286, Parish of West Baton Rouge, 18<sup>th</sup> Judicial District Court; 1999.
- \*\* 20. *Burkes Jones, Sr. v. Rhodia, Inc.*  
Suit No. 463299, Parish of East Baton Rouge, 19<sup>th</sup> Judicial District Court, 1999.
21. *Garrison v. Blood Center for Southeast Louisiana*  
Suit No. 99-9855, Orleans Parish District Court; 1999.
- \* 22. *In Re: DSI/Chippewa Street Spill*  
Suit No. 450957, Parish of East Baton Rouge, 19<sup>th</sup> Judicial District Court; 1998

- \* 23. *Anderson v. Borden Chemicals and Plastics*  
Suit No. 292286, Parish of West Baton Rouge, 18<sup>th</sup> Judicial District Court; 1998.
- 24. *In Re: I-110 South DSI, Inc. Spill*  
Suit No. 445953, Parish of East Baton Rouge, 19<sup>th</sup> Judicial District Court; 1997.
- \* 25. *Clarence "James" Fultz, et al v. Illinois Central Railroad*  
CA No. 97-0007, Sec. K, United States District Court, Eastern District of Louisiana; 1996.
- \*\* 26. *In Re: 1993 Exxon Coker Fire Litigation*  
Master Docket No. 93-MS-2-A-M2, United States District Court  
Middle District of Louisiana
- \*\* 27. *In Re: Exxon*  
Suit No. 94-1103, United States District Court, Middle District of Louisiana;  
1990.
- 28. *In Re: Copel Pharmaceutical, Inc., Albuterol Products Liability Litigation*  
MDL Docket No. 1013, All Cases, United States District Court  
District of Wyoming
- 29. *In Re: A.H. Robins Company, Incorporation (Dalkon Shield Claimants Trust)*  
Eastern District of Virginia, Richmond Division.
- 30. *Modell Campbell v. Chattem, Inc.*  
CA No. 01-CV-2098, Sec. M, United States District Court  
Middle District of Louisiana
- 31. *In Re: Phenylpropanolamine (PPA) Products Liability Litigation*  
MDL No. 1407, United States District Court  
Western District of Washington at Seattle
- 32. *Sandra Young, et al v. Bayer Corporation*  
CA No. 3:01CV2097, United States District Court  
Western District of Louisiana, Monroe Division
- 33. *Preston Stemmann v. Bayer Corporation*  
CA No. 2:01CV2093, United States District Court  
Western District of Louisiana, Lake Charles Division

34. *In Re: Bioproducts, et al Litigation*  
Suit No. 53269 c/w Nos. 53431, 54523, 54700, 54880, 54900, 54940  
Parish of Iberville, 18<sup>th</sup> Judicial District Court, Louisiana
35. *In Re: AlliedSignal Southwork Release*  
Suit No. 458568, Division "N"; Parish of East Baton Rouge  
19<sup>th</sup> Judicial District Court, Louisiana
36. *In Re: AlliedSignal Inc. Boron Triflouride Release Consolidated Cases*  
Docket Nos. 463184, 463723, 471662, 474559, 474707, 474769,  
474770, 474944, 474865, 474946, 474978  
Division "M"; Parish of East Baton Rouge, 19<sup>th</sup> Judicial District Court
37. *Noretta Thomas and Demetrice Butler, Each Individually and on Behalf  
of All Other Similarly Situated*  
Docket No. 55127-B c/w 55136-B, 55139-C, 55144-C, 55159-I, 55168-B,  
55265-A, 55290-A, 55302-A, 55439-B, 55409-C, 55555-D  
Parish of Iberville, 18<sup>th</sup> Judicial District Court, Louisiana.
38. *Mildred Hill, Lee White, Willie Mae Williams, et al v. Zen-Noh Grain Corp.*  
Suit No. 25938, Sec. "D", Parish of St. James, 23<sup>rd</sup> Judicial District Court
39. *Barbara Chapman, et al v. Vulcan Chemicals, et al*  
CA No. 01-MD-1-A-M2, United States District Court  
Middle District of Louisiana; 2001
40. *Mazie Ayo, et al v. State of Louisiana Through the Department of Health  
and Hospitals*  
Suit No. 56410, Division "D", Parish of Iberville, 18<sup>th</sup> Judicial District Court,  
2001.
41. *In Re: Bridgestone/Firestone, Inc. ATX, ATXII, and Wilderness Tires*  
MDL No. 1373, Master File No. IP 00-9373-C-B/S  
United States District Court, Southern District of Indiana, Indianapolis Division

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- \* Appointed Class Counsel by the Court
- \*\* Appointed By Court to Plaintiffs' Steering Committee
- \*\*\* Appointed Liaison Counsel by the Court
- \*\*\*\* Appointed by Court to State Liaison Committee

## **FREDERIC S. FOX**

### **Partner**

Fred Fox first associated with Kaplan Fox in 1984, and became a partner in the firm in 1991. He has concentrated his work in the area of securities fraud litigation. Mr. Fox has played important roles in many major securities fraud cases. He was one of the lead trial lawyers in two recent securities class actions, one of which was the first case tried to verdict under the Private Securities Litigation Reform Act of 1995.

Mr. Fox is the author of "Current Issues and Strategies in Discovery in Securities Litigation," ATLA, 1989 Reference Material; "Securities Litigation: Updates and Strategies," ATLA, 1990 Reference Material; and "Contributory Trademark Infringement: The Legal Standard after *Inwood Laboratories, Inc. v. Ives Laboratories*," University of Bridgeport Law Review, Vol. 4, No. 2.

During law school, Mr. Fox was the notes and comments editor of the University of Bridgeport Law Review.

### **Education:**

- B.A., Queens College (1981)
- J.D., Bridgeport School of Law (1984)

### **Bar affiliations and court admissions:**

- Bar of the State of New York (1985)
- U.S. Courts of Appeals for the Fourth, Fifth, and Sixth Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

### **Professional affiliations:**

- American Bar Association
- Association of the Bar of the City of New York
- Association of Trial Lawyers of America (Chairman, Commercial Law Section, 1991-92)

Mr. Fox can be reached by email at: [FFox@KaplanFox.com](mailto:FFox@KaplanFox.com)



**KAPLAN FOX & KILSHEIMER LLP**  
**FIRM AND ATTORNEYS BIOGRAPHIES**

Kaplan Fox & Kilsheimer LLP is a firm engaged in the general practice of law with an emphasis on complex securities, antitrust and consumer class action litigation as well as other general commercial litigation. The firm has actively participated in numerous complex class actions throughout the country for over twenty years. It is presently active in major litigations pending in federal and state courts throughout the country including courts in California, New York, Massachusetts, Delaware, Florida, Illinois, Indiana and Georgia.

Members of the firm have served as lead or co-lead counsel, as executive committee member or as liaison counsel, and made significant contributions in many complex class and other multi-party actions in which substantial recoveries were obtained, including the following:

**SECURITIES:**

**In re 3Com Securities Litigation,**

No. C-97-21083-EAI (N.D.Ca) (\$259 million recovered)

**In re MicroStrategy Securities Litigation,**

No. CV-00-473-A (E.D.Va) (\$155 million recovered)

**In re Informix Securities Litigation,** C-97-129-CRB (N.D.Ca) (\$136.5 million recovered)

**In re L.A. Gear Securities Litigations,** CV-90-2832-KN(Bx); CV-91-0400-KN(Bx); CV-91-4039-MRP(Jrx) (C.D.Ca.) (\$50 million plus recovered)

**In re Ames Department Stores Securities Litigation,**

MDL No. 924 (S.D.N.Y.) (\$46 million recovered)

**In re Genentech, Inc. Securities Litigation,**

C-88-4038-DLJ (N.D.Ca.) (\$29 million recovered)

**In re Tele-Communications, Inc. Securities Litigation,**

C-97-421(C.D.Ca.) (\$26.5 million recovered)

**In re Sun Healthcare Group, Inc. Litigation,** C-95-7005-JC/WWD (D.N.M.) (\$24 million recovered)

**In re PepsiCo Securities Litigation**, 82 Civ. 8288  
(S.D.N.Y.) (\$21 million recovered)

**In re Centennial Technologies Litigation**, 97-10304-REK (D. Mass.)  
(\$21.5 million recovered and other consideration)

**Kensington Capital Management v. Oakley, Inc., et al.**,  
No. SACV97-808 GLT (Eex) (C.D.Ca) (\$17.5 million recovered)

**In re Computer Memories Securities Litigation**,  
No. C-85-2335 (A)-EFL (N.D.Ca.) (\$15.5 million recovered)

**Scheatzle, et al. v. Eubanks, et al.**, C-92-20785-JW(EAI) (N.D.Ca.)  
(\$18.6 million recovered)

**In re Computer Memories Securities Litigation**,  
C-85-2335 (A)-EFL (N.D.Ca.) (\$15.5 million recovered)

**In re Wyse Technology Securities Litigation**,  
C-89-1818-WHO (N.D.Ca.) (\$15.5 million recovered)

**Provenz v. Miller, et al.**, C-92-20159-RMW (N.D.Ca.) (\$15 million recovered)

**In re Gupta Corporation Securities Litigation**, C-94-1517-FMS (N.D.Ca.) (\$14.25  
million recovered)

**In re MicroPro Securities Litigation**,  
C-85-7428-EFL (N.D.Ca.) (\$14 million recovered)

**In re Immunex Securities Litigation**, C-92-48 WD (W.D.Wa.)  
(\$14 million recovered)

**Barry Hallet, Jr. v. Li & Fung, Ltd., et al.**, 95 Civ. 8917 (S.D.N.Y.)  
(\$13.65 million recovered)

**Stuart Markus v. The North Face, Inc., et al.**  
No. 97-Z-473 (D.Co) (\$12.5 million recovered)

**Mel Klein v. Laura L. King, et al.**, C-88-3141-FMS  
(N.D.Ca.) (\$11.65 million recovered)

**Igor Cheredrichenko, et al. v. Quarterdeck Corp., et al.**, Case No. 97-4320 (GHK)  
(C.D. Ca.) (\$11 million recovered)

**In re Cheyenne Software, Inc. Securities Litigation**, 94 Civ. 2771 (E.D.N.Y.) (\$10.25  
million recovered)

**In re Seagate III Securities Litigation**, C-91-20377-SW (N.D.Ca.)  
(\$9.9 million recovered)

**In re Symantec Corporation Securities Litigation**, C-97-20021-JF(EAI)  
(N.D.C.A.) (\$9.5 million recovered)

**In re USA Classic Securities Litigation**, 93 Civ. 6667 (S.D.N.Y.)  
(\$9.3 million recovered)

**In re Penncorp Financial Group, Inc. Securities Litigation**,  
No. 98 Civ. 5998 (LAP) (S.D.N.Y.) (\$9 million recovered)

**In re Natures Bounty Securities Litigation**, C-94-4818 (TCP)  
(E.D.N.Y.) (\$8 million recovered)

**In re Retix Securities Litigation**, C-93-1683-JSL (GHKX)  
(C.D.Ca.) (\$7.5 million recovered)

**In re Medeva Securities Litigation**, C-93-4376-KN(Tx) (C.D.Ca.)  
(\$6.75 million recovered)

**Weinberger v. Schroeder, et al.**, 84-20757-WAI, (N.D.Ca.)  
(\$6.75 million recovered and other consideration)

**In re DCA Securities Litigation**, No. 1:89-CV-2195-RCF  
(N.D. Ga.) (\$6.25 million recovered)

**In re Businessland Securities Litigation**,  
C-90-20476-RFP (N.D. Ca.) (\$6 million recovered)

**In re Ross Systems Securities Litigation**, C-94-0017-DLJ (N.D.Ca.)  
(\$5.8 million recovered)

**Goldberg, et al. v. DBA Systems, Inc., et al.**,  
No. 8988-Civ.-ORLI9 (M.D. Fla.) (\$4.1 million recovered)

**Stuart S. Siegel v. William P. Lyons, et al.**,  
C-95-03588-DLJ (N.D.Ca.) (\$3.1 million recovered)

**Levine v. Puritan Fashions Corp.**, 86 Civ. 459 (KTD)  
(S.D.N.Y.) (\$3 million recovered)

**In re Kirschner Medical Corporation Securities Litigation**,  
Case No. WN-90-858 (D. Maryland) (\$2.75 million recovered)

**John E. Thompson v. Danka Business Systems, PLC., et al.**  
No. 97-3007-CIV-T-26E (M.D. FL) (\$2.7 million recovered)

## ANTITRUST RECOVERIES

In re Brand Name Prescription Drugs Antitrust Litigation, MDL 997 (N.D. Ill.)  
(\$720 plus million recovered)

In re Corrugated Container Antitrust Litigation,  
MDL 310 (S.D.Tex.) (\$550 million recovered)

In re Infant Formula Antitrust Litigation,  
MDL 878 (N.D.Fla.) (\$126 million recovered)

In re Flat Glass Antitrust Litigation,  
MDL 1200 (W.D.P) (\$53 plus million recovered)

In re Ocean Shipping Antitrust Litigation,  
MDL 395 (S.D.N.Y.) (\$51 million recovered)

In re Medical X-Ray Film Antitrust Litigation,  
CV 93-5904 (E.D.N.Y.) (\$39.6 million recovered)

In re Screws Antitrust Litigation, MDL 443  
(D. Mass.) (\$20 million recovered)

In re Building Maintenance Services Antitrust Litigation,  
76 Civ. 341 (JMC) (\$5 million recovered)

In re Southern Florida Waste Disposal Antitrust Litigation,  
86-6029-CIV-KEHOE (S.D. Fla.)

In re Electric Weld Steel Tubing Antitrust Litigation,  
Master File No. 79-4628 (E.D.Pa.)

In re Southern Florida Building Supplies Cases,  
77-463-Civ. (S.D.Fla.)

In re Cuisinarts Food Processors Antitrust Litigation,  
MDL 447 (D.Conn.)

In re Wholesale Baking Antitrust Litigation,  
Master File No. 83 Civ. 714 DNE (S.D.N.Y.)

In re Milk Antitrust Litigation, 81 Civ. 1963 (S.D.N.Y.)

In re Shopping Carts Antitrust Litigation, MDL No. 451 (S.D.N.Y.)

In re Atlanta Waste Services Antitrust Litigation,  
C-83-796A (N.D.Ga.)



# CAULEY GELLER BOWMAN & COATES, LLP



Cauley Geller Bowman & Coates, LLP ("CGBC") is an AV-rated firm that concentrates its practice in the representation of plaintiffs in complex securities, antitrust, and consumer class actions. Our firm and its predecessors have served as lead or co-lead counsel in hundreds of class actions in state and federal courts throughout the nation. CGBC has recovered, in the aggregate, over one billion dollars for its clients. The foundation of the firm's qualifications lies in the unique strengths of its individual members and in the breadth and depth of resources the firm brings to its litigation engagements.

Our firm has offices in Little Rock, Arkansas, Boca Raton, Florida, and San Diego, California. With offices on the East and West Coasts, as well as the central region of the United States, the firm is well situated to handle and staff matters anywhere in the country. By employing an intra-firm team approach that matches the firm's talents and resources in all of its offices with geographically-specific projects, the firm is able to efficiently and productively litigate cases in the most cost-effective manner possible. This aspect of litigation management is especially helpful in large class actions that require the deployment of resources on a nationwide basis, often simultaneously.

Our litigators enjoy a variety of qualifications and attributes particularly well-suited to the successful litigation of complex securities and consumer matters. We are comprised of sixteen full-time attorneys (four partners and twelve associates, which includes

an MBA, a CPA, and several accounting majors), seven paralegals, numerous staff members, and several contract lawyers who work on project-by-project bases. We have a four-member client relations department (one lawyer and three paralegals) whose exclusive job is to maintain ongoing communications with the many shareholders and consumers we represent. We also work closely and communicate daily with some of the nation's most experienced forensic accountants and financial experts.

Unlike all but a few plaintiffs' class action litigation firms, CGBC also presents a very real threat of trial for the defendants we face. All of the firm's partners and many of its associates have tried cases to a jury. Moreover, three of the four partners come from traditional defense firm backgrounds, and all of the partners have defended large, blue-chip companies, including, *inter alia*, Capital Cities/ABC, The Marcus Corporation, McDonald's, Allied Signal, Citibank, Chase Manhattan Bank, and Bausch & Lomb. More significantly, partners at CGBC have not only tried class actions to verdict, but also represented *defendants* in securities fraud, consumer, and antitrust class actions. As a result, CGBC has the advantage that comes from having actually litigated and tried class action lawsuits on behalf of both plaintiffs and defendants.

CGBC puts a premium on winning because our lawyers have always excelled and because our compensation depends so much on our performance. One hundred percent of our time is spent on litigation matters where our fee is tied to the results we achieve, not the hours we bill.

Although all of our matters are

handled on a contingency basis, the firm often engages in competitive bidding and structured fee arrangements that ensure that the interests of counsel remain aligned with the interests of the class under all levels of recovery and through all stages of litigation.

CGBC's significant litigation and trial experience, expansive qualifications, and competitive fee arrangements distinguish us and make our firm particularly well suited to serve in leadership roles in class litigation.

For more information, visit our website at  
[www.classlawyer.com](http://www.classlawyer.com)

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Suite 930  
San Diego, CA 92101  
619-702-7350  
619-702-7351 (fax)



# PAUL JEFFREY GELLER

PAUL J. GELLER is a Founding Partner of the Firm. He earned his Bachelor of Science Degree in Psychology from the University of Florida, where he was a member of the University Honors Program. Mr. Geller then earned his law degree, with Highest Honors, from Emory University School of Law. At Emory, Mr. Geller was an Editor of the Law Review, was inducted into the *Order of the Coif* legal honor society, and was awarded multiple American Jurisprudence Book Awards for earning the highest grade in the school in a dozen courses. Before concentrating his practice on the prosecution of class actions in 1996, Mr. Geller spent several years as a commercial litigator with one of the largest corporate law firms in the country, where he defended complex class actions.

A substantial portion of Mr. Geller's practice is devoted to representing shareholders in connection with losses suffered as a result of violations of federal and state securities laws. These class actions typically involve issues such as misrepresentations in connection with public offerings, accounting fraud, illegal market manipulation, and insider trading. Also in the securities law area, Mr. Geller is active in the representation of public shareholders of companies whose shares are acquired through leveraged buyouts, mergers, acquisitions, tender offers, and other corporate restructurings. Mr. Geller has served as Lead or Co-Lead Counsel in representing the public shareholders of many corporations in challenging the fairness of such transactions, the adequacy of disclosures made in connection with the transactions, and the price offered to shareholders for their equity. These lawsuits have resulted

in the restructuring of scores of corporate transactions and the recovery of hundreds of millions of dollars in additional compensation for shareholders. For example, Mr. Geller recently served as Lead Counsel for a class of shareholders of Intermedia Communications, Inc. in challenging a proposed buyout by WorldCom, Inc. As a result of the prosecution and settlement of the lawsuit, Intermedia shareholders received an additional \$30 million in compensation for their shares. In *In re Intermedia Shareholder Litigation*, Thirteenth Judicial Circuit, Hillsborough County, Florida, No. 000-8844.

In addition to securities lawsuits, Mr. Geller has significant experience with consumer fraud and antitrust litigation. Mr. Geller has served as class counsel in cases against some of the nation's largest insurance companies, challenging the practice of marketing and selling "vanishing premium" life insurance policies. Mr. Geller was actively involved (and was personal counsel to the Lead Plaintiff) in a widely followed class action against one of the largest credit card companies in the nation, *Advanta*, over the increasing of interest rates on supposedly "fixed rate" credit cards. That case, *Stoddard v. Advanta*, Superior Court, New Castle County, Delaware, No 97C-08-206 (VAB), recently settled for over \$10 million. In another consumer class action, Mr. Geller served as counsel to one of the Lead Plaintiffs in the *In re American Family Publishers Sweepstakes* litigation, which asserted that a national sweepstakes contest used in connection with the sale of magazine subscriptions was deceptive. The AFP litigation settled in December 1999 for over \$32 million.

## POSITION

PARTNER

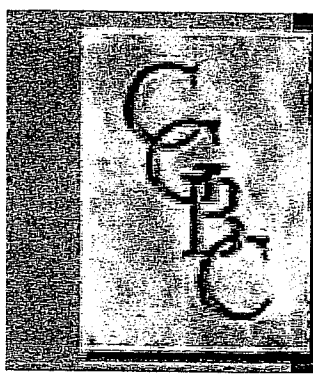
## EDUCATION

EMORY UNIVERSITY SCHOOL OF LAW

Mr. Geller is also involved in many antitrust and mass tort class actions. For example, Mr. Geller serves as one of the Co-Lead Counsel in an antitrust lawsuit on behalf of indirect purchasers of high pressure laminates; he served as Lead Counsel in a nationally publicized food poisoning class action that recently settled favorably for the class; and he is one of several lawyers representing a class of thyroid cancer victims who allege that their illness is due to the release of radioactive iodine from government research laboratories in Oak Ridge, Tennessee.

During the past few years, several of Mr. Geller's cases have received regional and national press coverage. Mr. Geller has appeared on CNN, ABC, NBC, and FOX network news programs. Mr. Geller's cases have also been covered by newspapers and magazines such as the New York Times, the Wall Street Journal, the Washington Post, the Arizona Republic, the San Diego Union, U.S. News & World Report, Smart Money, Self Business Week, the Palm Beach Post, and the Daily Business Review.

Mr. Geller is or has been a member of the Association of Trial Lawyers of America, the American Bar Association, the Palm Beach County Bar Association (former Member of Bar Grievance Committee) and the South Palm Beach County Bar Association (former Co-Chair of Pro Bono Committee).



CULLLEY  
GELLER  
BOWMAN &  
COATES LLP



## LEADERSHIP

Because most of the class actions we file are large and nationwide in scope, it is not unusual for many related cases to be filed by various plaintiffs and firms throughout the country. As a matter of efficiency for class members, defendants, and the court system, these cases are almost always consolidated, organized, and assigned to one or more firms to lead the case. Our firm has been appointed to Lead, Co-Lead, or Executive Committee positions in many consolidated class actions involving securities, consumer protection,

In re Abercrombie & Fitch Company Securities Litigation, United States District Court for the Southern District of New York, Civil No. M21-83 (TPG) (Executive Committee)

Derrick Hongerholt v. Thomas v. Geimer, et al. (Accelr8 Derivative Litigation), United States District Court for the District of Colorado, No. 00-K-1610 (Lead Derivative Counsel)

Axiom Securities Litigation, United States District Court for the Eastern District of Arkansas, Western Division, No. LR-C-00-673 (Co-Lead Counsel)

William J. Stoddard v. Advanta Nat'l Bank USA, Delaware Superior Court, New Castle County, No. 97C-08-206 (VAB) (Co-Lead Counsel; Case settled for \$11 million)

In re American Educational Products, Inc. Shareholder Litigation, District Court for Boulder County, Colorado, No. 00-CV-1122, Div. 5 (Co-Lead Counsel)

Robert L. Gebo, Jr. v. Carl E. Putnam, et al. (Anicom Derivative Litigation), United States District Court for the District of Illinois, Eastern Division, No. 00C-7181 (Lead Derivative Counsel)

Kevin Glover, et al. v. Edward R. Capuano, et al. (Apponline Securities Litigation), United States District Court for the Eastern District of New York, No. 00-CV-5138 (TCP)(ETB) (Co-Lead Counsel)

In re Arcadia Financial Ltd. Shareholder Litigation, District Court for Hennepin County, Minnesota, No. 99-15992 (Co-Lead Counsel)

In re Ashanti Goldfields Securities Litigation, United States District Court for the Eastern District of New York, No. CV-00-0717 (DGT) (RML) (Co-Lead Counsel)

J.D. Perkins, et al. v. Christopher T. Sortwell, et al. (Aurora Foods), Superior Court of California, San Francisco County, No. 311498 (Lead Derivative Counsel)

Herbert Huppert v. Robert Martini (Bergen Brunswick), United States District Court for the Central District of California, No. SA-CV-00-364-AHS (Lead Derivative Counsel)

In re Beverly Enterprises, Inc. Derivative Litigation, United States District Court for the Eastern District of Arkansas, Western Division, No. LR-C-99-826 (Co-Lead Counsel)

Lynne H. Sinay, et al. v. Boron LePore & Assocs., Inc., et al., United States District Court for the District of New Jersey, No. 99-2231 (DRD) (Co-Lead Counsel)

In re Broadcast.com, Inc. Privacy Litigation, United States District Court for the Eastern District of Texas,



Marshall Division, No. 2-00CV18-TJW  
(Co-Lead Counsel)

In re Bromine Antitrust Litigation, United States District Court for the Southern District of Indiana, Indianapolis Division, MDL Docket No. 1310 (Executive Committee)

In re Cameron Ashley Securities Transaction, County Court at Law #1, Dallas County, Texas, No. 00-0971-A (Co-Lead)

In re Cherry Corp. Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18007 NC (Co-Lead Counsel)

In re Chromcraft Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18571 (Co-Lead Counsel)

Ralph Shive v. Metropolitan Life Ins. Co. and Conning Corp., Supreme Court of New York, New York County, Index No. 00-600221 (Co-Lead Counsel)

In Re Covad Securities Litigation, United States District Court for the Northern District of California, No. C-00-3891-PJH (Co-Lead Counsel)

Dasburg, S.A. et al. v. Corrections Corporation of America, et al., Court of Chancery for Tennessee, 20th Judicial District, Davidson County, No. 98-2391-III (Lead Counsel; \$120 million global settlement of this and related cases)

Nat Orme v. Michael R. Cunningham, et al., Superior Court of New Jersey, Chancery Division, Hudson County, No. C-69-00 (Co-Lead Counsel)

In re Del Webb Corporation Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18357 NC (Co-Lead Counsel)

Robert Frankel, et al. v. Entrust Technologies Inc., et al., United States District Court for the Eastern District of Texas, Marshall Division, No. 2:00-CV-119-TJW (Executive Committee)

Gary Silverstein v. Equitrac Corporation, Circuit Court for Miami-Dade County, Florida, No. 99-

14316 CA 01 (Lead Counsel)

In re Evans Systems, Inc. Securities Litigation, United States District Court for the Southern District of Texas, Houston Division, No. 11-00-2182 (Co-Lead Counsel)

Andris Indriksons, et al. v. Hamilton Bancorp Inc., et al., United States District Court for the Southern District of Florida, Miami Division, No. 01-CV-0056-GOLD (Co-Lead Counsel)

Beverly Verga, et al. v. Hammerhead's Sea Grille of Juno Beach, Inc., Circuit Court for Palm Beach County, Florida, No. CL 98-6663 AN (Lead Counsel)

In re Healthsouth Corp. Securities Litigation, United States District Court for the Northern District of Alabama, Southern Division, No. CV-98-J-2634-S (Executive Committee)

In re Il Fornaio America Corporation, et al., Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18506 (Co-Lead Counsel)

Martin Fogel v. Information Management Associates, Inc., United States District Court for the District of Connecticut, No. 3:00-CV-135 (AWT) (Co-Lead Counsel)

Murrel Neal v. Insurance Management Solutions Group, Inc., United States District Court for the Middle District of Florida, Tampa Division, No. 8:00-CV-2013-T-26F (Co-Lead Counsel)

David L. Winter v. Roy F. Mitte, et al. (Intercontinental Life), District Court for Travis County, Texas, No. GN 003039 (Co-Lead Counsel)

Rosa A. Garza, et al. v. J.D. Edwards & Company, et al., United States District Court for the District of Colorado, No. 99-N-1744 (Co-Lead Counsel)

State of Wisconsin Investment Board, et al. v. Harold Ruttenberg, et al. (Just for Feet), United States District Court for the Northern District of Alabama, Southern Division, No. CV-99-BU-3097-S (Special Counsel)





Donald Chesner and Elizabeth Chesner, et al., v. Eaton Vance Corporation, et al., United

States District Court, District of Massachusetts, No. 01-CV-10911 EFH

Todd Holley, et al. v. Kitty Hawk Inc., et al., United States District Court for the Northern District of Texas, Dallas Div., No. 3-00-CV-0828-P (Co-Lead Counsel)

James E. Funke, et al. v. Life Financial Corp., United States District Court for the Southern District of New York, No. 99-CIV-118770 (DAB) (Co-Lead Counsel)

Isabell J. Griffin, et al. v. Medpartners, Inc., et al., Circuit Court of Jefferson County, Alabama, No. CV-98-00297 (Lead Counsel for purchasers of TAPS Securities; \$25 million settlement for TAPS purchasers)

In re Mikasa Inc. Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18300 NC (Co-Lead Counsel)

Robert O. Neibert v. Monarch Dental Corp., United States District Court for the Northern District of Texas, Dallas Division, No. 3:99-CV-762-X (Co-Lead Counsel; \$3.5 million settlement)

E. Paul Larett, et al. v. Michael L. Robertson, et al. (MP3.com), Superior Court of California, County of San Diego, No. GIC-754696 (Co-Lead Derivative Counsel)

In re Oneok Derivative Litigation, District Court of Tulsa County, Oklahoma, No. CJ-2000-00593 (Lead Derivative Counsel)

In re Orbital Sciences Corporation Securities Litigation, United States District Court for the Eastern District of Virginia, Alexandria Division, No. 99-197-A (Co-Lead Counsel for Section 11 Claims; \$23.5 million settlement)

In re Pcom, Inc. Securities Litigation, Superior Court of California, County of Santa Clara, No. CV-776853 (Co-Lead Counsel)

In re Phycor Shareholder Litigation, United States

District Court for the Middle District Tennessee, No. 3:990807 (Co-Lead Counsel)

In re Pinnacle Systems Securities Litigation, United States District Court for the Northern District of California, No. C-00-2596-MM (Co-Lead Counsel)

Bill Koplovitz v. Plains Resources, Inc., et al., United States District Court for the Southern District of Texas, Houston Division, No. H-99-4212 (Lead Counsel; \$5.4 million settlement pending court approval)

Custom Woodworks, Inc. v. PreMark International, Inc., et al., Circuit Court for Davidson County, Tennessee, No. 00-C-1989 (Co-Lead Counsel for class of indirect purchasers in antitrust case)

John Neiger, et al. v. Doctor Crants, et al. Prison Realty Securities Litigation, United States District Court for the Middle District of Tennessee, Nashville Division, No. 3-99-1205 (Lead Counsel; \$120 million global settlement of this and related cases)

In re Bernstein v. Prison Realty Trust, Inc., et al., Chancery Court for the State of Tennessee, 20th Judicial District, Davidson County, No. 99-3794-III (Lead Counsel)

Samuel Brand v. Colleen Conway Welch, et al. (Quorum Health Group), Circuit Court for Davidson County, Tennessee, No. 00C-3066 (Co-Lead Counsel)

Edward J. Vranizan v. William E. Morgenstern, et al. (Rent-Way Derivative Litigation), United States District Court for the Western District of Pennsylvania, C.A. No. 01-46, Erie (Lead Derivative Counsel)

Lawrence Peccatiello v. Carl DeSantis, et al. (Rexall Sundown), Circuit Court for Palm Beach County, Florida, No. CL 00-4284 AO (Lead Counsel)

Paul L. Ruble, et al. v. Rural Metro Corp., et al., United States District Court for the District of Arizona, No. CIV-99-822-PHX-RGS (Co-Lead Counsel)



Paul Denton v. SCB Computer Technology, Inc., United States District Court for the Western District of Tennessee, Western Division, at Memphis, No. 00-2345 (Executive Committee)

Lone Star Ladies Investment Club v. Schlotzskys, Inc., United States District Court for the Western District of Texas, No. A-98-CA-550-JN (Co-Lead Counsel)

Trinity Holdings Corp. v. Sirrom Capital Corp., et al., United States District Court for the Middle District of Texas, No. 3-98-0643 (Executive Committee; \$15 million settlement)

William Straub v. The Solomon-Page Group Ltd., Delaware Chancery Court, New Castle County, C.A. No. 17977 NC (Co-Lead Counsel)

Lloyd Bahr, et al. v. Springs Industries, Inc., et al., State of South Carolina in the Court of Common Pleas, County of York, No. 2001-CP-46-374 (Co-Lead Counsel)

In re Stone & Webster Inc. Securities Litigation, United States District Court for the District of Massachusetts, No. 00-CV-10874-RCL (Executive Committee)

In re Sunburst Hospitality Corporation Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18343 NC (Co-Lead Counsel)

Frank Rogers v. Sunrise Medical, Inc., et al., Superior Court of California, County of San Diego, Case No. GIC 756421 (Co-Lead Counsel)

In re Sunstar Healthcare Securities Litigation, United States District Court for the Middle District of Florida, Orlando Division, No. 6:00-CV-172-ORL-28C (Executive Committee)

Teleglobe Securities Litigation, United States District Court for the Southern District of New York, No. 00-CV-5610(BSJ) (Co-Lead Counsel)

Donald Chesner and Elizabeth Chesner, et al., v. Eaton Vance Corporation, et al., United States District Court, District of Massachusetts, No. 01-CV-10911 EFH

## PROFILE of DOUGHERTY, HILDRE, DUDEK & HAKLAR

Dougherty, Hildre, Dudek & Haklar, formerly known as Kennedy, Crockett, Dougherty & Hildre, has practiced representing plaintiffs exclusively in the fields of Mass Tort Litigation, Admiralty and Personal Injury since 1978. The firm's members belong to the San Diego, California and American Trial Lawyers Associations and participate actively in continuing legal education seminars and professional association and civic affairs, including services on various State and National Committees. The firm's office is located in the historic Mr. A's building, at 2550 Fifth Ave., Suite 600 in San Diego, California 92103.

The firm's experience with mass tort litigation has encompassed tobacco litigation and other product liability matters such as Breast Implant, L-Tryptophan, Fen-Phen and currently Microsoft. The energies of many of the attorneys and staff of the firm have for years been devoted to tobacco litigation, and contributed significantly to California's settlement of the nationwide Attorneys General cases. A class action entitled *Brown v. American Tobacco Co., et al.*, filed by this firm in 1997, was recently certified by Judge Ronald Prager of the San Diego Superior Court. Litigation of this class action is ongoing.

Donald F. Hildre received his B.S. at Claremont McKenna College, and obtained his J.D. at the University of San Diego in 1975. His affiliations include the State Bar of California, the American Bar Association, Consumer Attorneys of California (CAOC, Board of Governors Member), the Association of Trial Lawyers of America (Past-Chairman, Admiralty Section), Consumer Attorneys of San Diego County, California Breast Implant Litigation (Member, Steering Committee), and the Tobacco Class Action Litigation Group (Member, National L-Tryptophan Steering Committee). A prominent activist and lecturer in both legal and political circles, Hildre is a member of the American Trial Lawyers Association (ATLA), NCA, Western Trial Lawyers Association and Consumer Attorneys of California.

Mr. Hildre was on the California Trial Lawyer's Association (CTLA) Board of Governors and formerly a state delegate for CTLA. He is past director of the San Diego Trial Lawyers Association and the author of "The Use of Epidemiological Studies to Prove Causation in Pharmaceutical Product Liability Litigation," a speech he presented at the National College of Advocacy.

William O. Dougherty received his B.A. from Stanford University and obtained his J.D. at Loyola Marymount University in 1966. He was admitted to the California bar in 1968. He is a member of the San Diego Superior Court, Panel of Arbitrators since 1994. He is also a member of the American Bar Association, the State Bar of California, Consumer Attorneys of California, the Association of Trial Lawyers of America, Consumer Attorneys of San Diego County, and the American Arbitration Association.

Frederick M. Dudek received his B.S. from the University of Maryland in 1975 and his J.D. degree in 1992, after graduating cum laude from Thomas Jefferson School of Law. He is a member of the State Bar of California, Consumer Attorneys of San Diego, Consumer Attorneys of California and the Association of Trial Lawyers of America. Mr. Dudek joined the firm of Dougherty, Hildre, Dudek & Haklar in 1992, where he has successfully litigated personal injury and maritime cases, including a \$2 million jury verdict. In addition to handling personal injury matters, Mr. Dudek is applying his experience in computers and business to the national and statewide litigation against Microsoft.

Thomas D. Haklar received his B.S. from California State University, Northridge in 1988 and his J.D. from Thomas Jefferson School of Law in 1993. Upon becoming a member of the California State Bar in 1993, Mr. Haklar joined the Dougherty and Hildre firm. His focus on Breast Implant and L-Tryptophan litigation was interrupted when he moved to New Orleans to focus exclusively on litigation against the tobacco industry. Currently Mr. Haklar's practice focuses mainly in mass tort products liability litigation and personal injury. Mr. Haklar is a member of the American Trial Lawyers Association, Western Trial Lawyers Association, Consumer Attorneys of California, Republican Trial Lawyers of California and Los Angeles & San Diego County Bar Association.

Peggy J. Reali received her B.A. at the University of California, Santa Barbara in 1985. Ms. Reali received her J.D. in 1990 from the University of San Diego School of Law. Upon being admitted to the State Bar of California in 1991, Ms. Reali began her practice in criminal defense, but joined forces with Dougherty, Hildre, Dudek & Haklar in 1993. She has focused on prosecuting L-tryptophan, tobacco, consumer rights and personal injury cases. Ms. Reali is a member of the State Bar of California, American Trial Lawyers Association, Consumer Attorneys of California the Lawyers Club of San Diego.

**CURRICULUM VITAE OF  
GAUTHIER, DOWNING, LABARRE, BEISER & DEAN  
AND JAMES R. DUGAN, II  
3500 N. HULLEN STREET  
METAIRIE, LOUISIANA 70002**

The law firm of Gauthier, Downing, LaBarre, Beiser and Dean have been representing injured clients and have had leadership positions in the preparation and trial of class actions and complex litigation for the past 30 years. In 1974, Mr. Gauthier, who passed away on December 11, 2001, and Mr. Robert Murphy established the firm of Gauthier and Murphy. The firm soon gained a national reputation as experts in complex litigation of mass disaster. In December of 1996, Robert M. Murphy left the firm to become a Judge in Jefferson Parish, Louisiana, and the firm of Gauthier, Downing, LaBarre, Beiser & Dean ("GDLB&D") was formed. The firm today maintains its reputation as one of the nation's most creative and effective firms in complex litigation. The firm has 15 lawyers and a large support staff, who are currently handling class actions in state and federal multi district forums in the areas of antitrust, securities, healthcare fraud, environmental, products liability and mass torts. GDLB&D's innovative preparatory and trial proceedings have resulted in record setting awards. GDLB&D uses mock trials, jury metrics, shadow juries and computerized research in its preparation. The firm has been actively involved in numerous trials of complex cases. All complex trials are mock tried in the firm Mock Trial Courtroom. The firm's most notable endeavor, which Mr. Gauthier is credited with, is the filing of the first national class action against the Tobacco Industry, which initiated the third wave of Tobacco litigation, with the case *Castano v. American Tobacco, et al.* The latest is being appointed class counsel in the *In Re: Inter-Op Hip Prosthesis Liability Litigation*, MDL 1401.

**James R. Dugan, II**

Born March 27, 1969, Houma, LA. Admitted to bar 1997. 1997, U.S. District Court, Eastern and Middle District, Southern District of Alabama. Education: University of Southwestern Louisiana (B.A., 1992); Loyola University (J.D., 1996). Member: Jefferson Parish, Orleans Parish, Louisiana State and American Bar Associations; Louisiana Trial Lawyers Association; Practice Areas: Maritime Personal Injury; Environmental Law, Toxic Tort Law; Class Actions Litigation, Mass Tort Litigation and Healthcare Fraud & Antitrust Litigation.

**EXPERIENCE IN COMPLEX LITIGATION:  
AND, SERVICE AS COUNSEL IN MULTIDISTRICT LITIGATION**

The firm of Gauthier, Downing, LaBarre, Beiser & Dean have been involved in complex litigation since the early 1970's and has represented numerous plaintiffs in complex litigation cases. Many of these actions were consolidated, multidistrict, or class action litigations. In each of the listed cases, Mr. Gauthier served on the plaintiffs' liaison/steering committees. In the cases marked by asterisks, Mr. Dugan held various positions. In the cases with double asterisks, Mr. Dugan was either on a co-lead or on the plaintiffs' steering committee. They include:

- A. San Juan Dupont Plaza Hotel Fire MDL #721, (1987 - 1994); Chairman, Court-Appointed Plaintiffs' Steering Committee; (over 2,000 plaintiffs, 200 defendants)
- B. Happyland Social Club Fire, Bronx, New York (1989 - 1995); Member, Plaintiffs' Steering Committee
- C. MGM Grand Hotel Fire Litigation, Las Vegas Nevada (1981- 1987); Member, Plaintiffs' Steering Committee; Chairman, Settlement Committee
- D. Continental Grain Company Explosion, (1977 - 1980); Plaintiffs Committee
- E. Pan Am American Crash of Flight 759, (1981 - 1984); Member, State Committee
- F. Shell/Norco Explosion Litigation, (1987 - 1995); (15,000 Claimants) Member, Steering Committee
- G. American Cyanamid Litigation, (1987 - 1991); (4,000 Claimants) Member, Steering Committee
- H. \*In Re: Orthopedic "Bone Screw" Product Liability Litigation, MDL 1014, USDC (1994 - present); Appointed to the National Steering Committee
- I. \*In Re: Copley Pharmaceutical, Inc. "Albuterol" Products Liability Litigation, MDL 1013, (1993 - present); Serves on the National Steering Committee
- J. Exxon Explosion Cases, over 700 plaintiffs, PSC
- K. \*In Re: Norplant Contraceptive Products Liability Litigation, MDL 1038, (1995 - present); Member of State and Federal Liaison Committee, 24th JDC 94-11684
- L. \*Terry Davis, et al v. American Home Products Corporation, Louisiana Norplant Litigation, Court Appointed Plaintiffs' Steering Committee Member, 24th Judicial District Court, No. 94-11684
- M. Breast Implant Litigation, Plaintiffs' National Steering Committee.
- N. \*In Re: Castano Tobacco Litigation, (1994 - present); Lead counsel.
- O. \*In Re: New Orleans Train Car Leakage Litigation, (1987 - present) PSC (8,000 claimants). \$3.6 Billion dollar jury verdict.
- P. \*Fair Grounds Corporation vs. ADT Security Svstems. Mid-South, Inc. Lead trial attorney in a fire products litigation resulting in a \$56 Million jury verdict.

Q. **\*In Re: Combustion, Inc. Litigation**, (1995 to present); Member of Plaintiffs' Steering Committee; Member of Settlement Committee.

18. **\*\*In Re: Synthroid Marketing Litigation. (MDL 1182)**, (1997 - present) United States District Court for the Northern District of Illinois, Eastern Division, Judge Elaine E. Bucklo. Mr. Dugan is co-lead counsel in this national class action on behalf of third-party payors.
18. 19. **\*\*In Re: Diet Drugs Litigation. (MDL 1203)**, (1997 - present) Mr. Dugan was co-lead counsel for a consortium of third party payors.
20. **\*In Re: Eunice Train Derailment**, (2000 - present) Plaintiffs' Steering Committee member (3,000 plaintiffs). U.S.D.C., W.D., Case No. 00-1267.
19. 21. **\*\*In Re: Propulsid Litigation. MDL 1355**, (2000-present) PSC Member.
20. 22. **\*\*In Re: Rezulin Products Liability Litigation. MDL 1348**, (2000-present) Mr. Dugan appointed by the court as Liaison Counsel on behalf of third party payors.
21. 23. **\*In Re: Firestone Litigation. MDL 1373**, (2000-Present) Judge Sara Evans Barker, Indianapolis, Indiana. Case involving thousands of claims for personal injury, diminution of value in Ford vehicles over Firestone recall of million of tires. Member-Plaintiff's Class Settlement Committee.
22. 24. **\*\*In Re: Industrial Life Insurance Litigation. MDL 1371**, (2000-Present) United States District Court, Eastern District of Louisiana, Judge Martin L.C. Feldman, Member: PEC. Case involving hundreds of thousands of minorities who were charged higher premiums than Caucasians for the same type of burial insurance policies.
23. 24. Y. **\*\*In Re: Inter-Op Hip Prosthesis Product Liability Litigation. MDL 1401**, (2001-Present) Judge Kathleen O'Malley, United States District Court, Northern District of Ohio, Eastern Division. Mass tort products liability case involving thousands of claims for personal injury over the recall of a defective hip implant. Member: Plaintiff's Class Counsel Committee.
- 25.

**JUDGES THAT GAUTHIER, DOWNING, LABARRE, BEISER & DEAN HAVE APPEARED BEFORE IN MULTIDISTRICT AND COMPLEX LITIGATION**

The following is a list of judges before whom Mr. Gauthier, Mr. Dugan and members of the law firm of Gauthier, Downing, LaBarre, Beiser & Dean have appeared on numerous occasions:

Judge Richard Haik  
 USDC, Western District of La.  
 318-262-6875



Judge Louis C. Bechtle  
USDC, East. Dist. of PA  
215-597-0581

Justice James L. Dennis  
USCA, Fifth Circuit  
504-589-6928

Judge Mary Ann Vial Lemmon  
USDC, Eastern Dist. of La.  
504-589-7565

Judge Stanwood R. Duval, Jr.  
USDC, Eastern District of LA  
504-589-7540

Chief Justice Pascal Calogero  
LA Supreme Court  
504-568-5707

Judge G. Thomas Porteous, Jr.  
USDC, Eastern District of La.  
504-589-7585

Judge Carl J. Barbier  
USDC, Eastern District of La.  
504-589-1525

Judge Same C. Pointer, Jr.  
USDC, No. Dist. of Alabama  
312-609-8680

Judge Eldon Fallon  
USDC, Eastern Dist. of La.  
504-589-7545

Judge Martin L.C. Feldman  
USDC, Eastern Dist. of La.  
504-589-7545

Judge Kathleen O'Malley  
USDC, Northern Dist. of Ohio  
216-522-4355

Judge Henry A. Mentz, Jr.  
USDC, Eastern Dist. of La.  
504-589-2797

**DANIEL E. BECNEL, JR.**

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I, Daniel E. Becnel, Jr., was born on June 14, 1944. My father, Daniel Elmore Becnel, was an attorney until his death in 1965. He spent most of his career in the military and was a War Crimes Prosecutor after World War II. After his military career ended, he became a Louisiana State Legislator until his death in 1965. My mother is a registered nurse. I have been married twice, first to Deonne Du Barry, and second to Mary Hotard Becnel, presently a State District Judge for the 40th Judicial District Court in Louisiana and a candidate for the Louisiana State Supreme Court. My brother and his wife are both attorneys in my firm, as is my son. Ten years ago when my brother was dying, I donated a kidney to him which enabled him to return to a normal life.

I attended Louisiana State University and received a Bachelor of Science degree in 1966. In 1969, I earned my Law Degree from Loyola University in New Orleans, Louisiana. I have been admitted to practice in Louisiana and Colorado, and have been a member in good standing since my admissions. Offices I have held and organizations I have belonged to in my career include the following:

- 1) Chief Investigator, 29th Judicial District (District Attorney's Office) 1969-1970.
- 2) Ponchartrain Levee District Attorney, 1970-1974.
- 3) Member in good standing of the American Bar Association, Louisiana Trial Lawyers Association, 40th Judicial District Bar Association (1969 to present), 29th Judicial District Bar Association, and the American Trial Lawyers Association (1969 to present).
- 4) Elected Democratic State Central Committee, 26 years.
- 5) Admitted to the United States Supreme Court, 1973.
- 6) Temporarily admitted to the State Bar in Florida, the State Bar in Wyoming, the District Court of the District of Columbia, and the Superior Court of New Jersey, Bergen County.

I tried the first million dollar verdict in the United States for a single individual in 1972. Paulette Trosclair v. Melton Truck Lines, et al.

Among the cases in which I have been court-appointed as a plaintiffs' attorney to represent classes of litigants are the following:

The Luling Ferry Disaster, involving the death of 78 people, which was ultimately tried and/or settled before U.S. District Judge Alvin Rubin (deceased) in excess of twenty nine million dollars.

I was court-appointed in MDL 330 Swine Flu Immunization Products Liability Litigation to represent all the plaintiffs (approximately 4,000) across the United States in reference to the Swine Flu Inoculation Program. These cases were tried and handled in Washington, D.C. before U. S. District Judge Gearhart Gisel (deceased), with settlements and/or verdicts in excess of five hundred million dollars.

I have been involved in a number of air crash disasters in both Louisiana and Colorado.

I was appointed to the Plaintiffs' Legal Committee by U. S. District Judge Henry Mentz in reference to Watson v. Shell Oil Company, which concerned a refinery explosion of May 5, 1988, and involved approximately 18,000 claims. This case was ultimately settled for more than two hundred million dollars.

I was appointed Lead Counsel in reference to Deion McGee, et al v. Shell Oil Company, et al, involving 5,000 people. The class was certified by Judge Joel T. Chaisson and affirmed by the Fifth Circuit Court of Appeals and the Louisiana State Supreme Court.

I was appointed to the Plaintiffs' Legal Committee as lead counsel by Judge Joel Chaisson in Gail Clement v. Occidental Chemical Company, a class action involving approximately 10,000 people. I recently settled this case for thirteen million dollars, and my office handled all claim forms, depositions and settlement for over 8,000 people.

I was appointed to the Plaintiffs' Legal Committees by both U. S. District Judge Parker and U. S. District Judge Polozola in reference to two separate explosions at the Exxon Refinery in Baton Rouge, Louisiana. These cases involved more than 9,000 people each.

I was appointed lead counsel in the Dupont Chemical Company Explosion, which involves approximately 1,200 people in Reserve, Louisiana.

I was appointed lead counsel and tried to a successful verdict after four weeks the United Gas Pipeline Case. This case involved the rupture and/or explosion of a gas pipeline on three separate occasions. Approximately 18,000 people were involved in this litigation. The sample case was ultimately settled, after trial, for more than one and a half million dollars. The class cases were tried, one to a jury verdict and one before a District Judge, resulting in a punitive damage award of double the amount of compensatory damages. This was the first class action punitive damage award in Louisiana.

In reference to MDL 926 In re Breast Implant Products Liability Litigation, my office supplied forty-three attorneys, full time, for over two years to the document depository in Cincinnati, Ohio. In addition, I supervised approximately thirty lawyers who were supplied by Wendell Gauthier, John Cummings, Calvin Fayard and Hugh Sibley. I personally took numerous depositions in this litigation, including the CEO of Dow Corning Corporation and Dr. Georgiade, the inventor of the MEC breast implant devices (a Bristol-Myers defendant). At the request of MDL Judge Pointer I loaned four of my attorneys, full time, to handle the incoming calls of unrepresented women who needed questions answered in reference to the Breast Implant Litigation (it should be noted that this resulted in only a ten thousand dollar profit to my firm). I personally spent, on the common effort, in excess of four million dollars.

In addition, my office provided thirteen lawyers, full time, to a computer center in Louisiana which allowed me to represent women in the Breast Implant Case who could not find attorneys willing to handle their cases. Under MDL Judge Pointer's direction, these women were represented on a per hour basis and not on a percentage. My staff and I handled approximately six hundred of these cases.

I regularly try at least five or six major jury trials per year and work seven days a week, ten to fourteen hours per day.

My firm does a great deal of indigent defender work on criminal cases where we are paid less than \$10 per hour. Within the past few months, this work has included two murder trials.

My office provides free office space to a legal aid service to help indigents with civil cases.

During the ABA Convention in New Orleans, at the request of the State Department and the ABA, my wife and I hosted Supreme Court Justices from Estonia, Romania, Lithuania, Slovakia and Albania for a week-long stay at our residence. These Justices were here to learn how U.S. State and Federal Courts function as an example of how they may adopt democratic reform in their court system.

My office was involved in the Penile Implant Case and negotiated a grid settlement with Bristol-Myers before that case was even presented for a MDL argument.

As one of the founding members of Dianne Castano, et al v. The American Tobacco Company, et al, a class action suit against the tobacco industry, my office represented Governor Gray Davis and the State of California in the states' settlement with the tobacco industry. My office also did extensive work in cases against the tobacco industry that were pending in New York and Pennsylvania. At the present time, I have three lawyers assigned full time to the Louisiana class action titled Scott v. The American Tobacco Company, a certified class action for medical monitoring and cessation assistance in the State of Louisiana before Judge Ganucheau, Orleans Parish. Jury selection began on June 18, 2001.

I have been one of the lead attorneys in the case of Barbara A. Brown, et al v. Acromed, et al, Civil Action No. 94-1236, Section I, United States District Court, Eastern District of Louisiana and in fact, I argued the Pedicle Screw case before the MDL panel in Colorado Springs, Colorado on July 22, 1994. Moreover, I supplied seven lawyers full time to MDL 1014 Orthopedic Bone Screw Products Liability Litigation before U.S. District Judge Louis Bechtle.

My office represents thousands of women in the Norplant Case and has the only remanded case before a State Court Judge at this time. That case was remanded from the Federal Court to the State Court by U.S. District Judge Thomas Porteous on December 29, 1994, and is now pending before State District Judge Richard Ganucheau. I am a member of the Plaintiffs' Steering Committee.

I was appointed to the National Plaintiffs' Steering Committee in MDL 1038 Norplant Contraceptive Products Liability Litigation by Judge Richard A. Schell, and the National MDL depository is located at my office complex in Louisiana, under my direction.

I was appointed to the National Plaintiffs' Steering Committee in MDL 1057 Telectronics Pacing Systems, Inc. Accufix "J" Leads Products Liability Litigation, by U.S. District Judge S. Arthur Spiegel. This case was certified as a national class action on April 2, 1997.

I was appointed by U.S. District Judge Eldon Fallon to be Lead Counsel in the case of Yvette Cooper v. Koch Pipeline, Inc., which is a class action involving a release of ammonia involving over 10,000 people. This case was remanded to State Court and ultimately settled.

I spoke before the International Symposium on Product Liability and Failure Prevention in Japan at the request of forty-five Japanese Corporations and all Mechanical Engineers in Japan.

I spoke in Vienna, Austria at the SPT-5 Conference in reference to the Shell Explosion Case. This involved Engineers from all over the world who convene an International Symposium every three years.

I was appointed to the Plaintiffs' Legal Committee by District Judge Patricia Hedges in reference to the In re Chemical Release at Bogalusa. I have been working virtually full time securing experts, filing pleadings and working on the jurisdictional problems. I have been directing, along with Ronnie Penton and others, the inspection of the failed tank car. I have also done research in reference to medical monitoring.

I was the lead attorney in the case of Katharine Christiano, et al v. Napp Technologies, Inc. in Bergen County, New Jersey. That case has settled.

My office is involved in the litigation titled In the Matter of the Complaint of Clearsky Shipping Corp. as Owner, and Cosco (H.K.) Shipping Company Limited, as Manager of the M/V Bright Field, for Exoneration From and/or Limitation of Liability pending before U. S. District Judge Morey L. Sear (current member of the MDL Panel). My office is one of ten firms that is handling the litigation in this maritime disaster.

I was appointed by U.S. District Judge John Parker to the Claimants' Steering Committee in the litigation titled In the Matter of the Complaint of Ingram Barge Company, as Owner of the M/V F.R. Bigelow and the IB-960, and Ingram Ohio Barge Co., as Owner Pro Hac Vice of the Inq-371, Petitioning for Exoneration From or Limitation of Liability. This case settled for forty one million seven hundred and fifty thousand dollars in 1999 (my office handled claims for over 17,000 people in this toxic tort maritime disaster).

I was appointed to the Plaintiffs' Legal Committee and the Executive Committee in reference to MDL 1148 In re Latex Gloves Products Liability Litigation, by U. S. District Judge Edmund V. Ludwig.

I was appointed to the Plaintiffs' Steering Committee in the case of Jimmie Badon, Jr., et al v. DSI Transports, Inc., et al, 19<sup>th</sup> Judicial District Court, Number 450,957. This case settled for nine million seven hundred and fifty thousand dollars (my office handled all Proof of Claim forms for 2,300 people in this tractor trailer tanker chemical release).

I was appointed to the Plaintiffs' Steering Committee in the case involving the Kaiser explosion of July 5, 1999 titled Carl Bell, et al v. Kaiser Aluminum and Chemical Corporation, 23<sup>rd</sup> Judicial District Court, No. 25,975. This case settled for twenty six and a half million dollars, plus eleven million dollars for the inside-the-gate cases. My office handled all Proof of Claims, as well as over two hundred depositions in this litigation.

I was appointed by U.S. District Judge Louis Bechtle (a member of the MDL Panel), as State/Federal Liaison to the national class action in MDL 1203 In re Diet Drug (Phentermine/Fenfluramine/Dexfenfluramine) Product Liability Litigation. My office has personally settled hundreds of individual cases.

I was appointed by U.S. District Judge Eldon Fallon to the Plaintiffs' Steering Committee and Executive Committee in MDL 1355 Propulsid Products Liability Litigation. My office has provided office space for the document depository which is also managed by my computer specialist.

I was appointed by U.S. District Judge Mary Ann Lemmon to serve as Liaison Counsel in the case of Aline Ricks, et al v. American Home Products, et al (PPA Litigation, MDL 1407, pending). I argued this case before the MDL Panel on July 26, 2001 in Chicago.

I was appointed by U.S. District Judge Edith Brown Clement to serve on the Interim Plaintiffs' Steering Committee in the case titled Alicia Tanguis, et al v. M/V Westchester, et al, Eastern District of Louisiana, Case No. 01/0449 c/w 01-1558.


The Plaintiffs' Steering Committee in MDL 1373 Bridgestone/Firestone, Inc. ATX, ATX II and Wilderness Tires Products Liability Litigation has requested that I secure all experts and become a member of the Discovery Committee and the Trial Committee. My office coordinated with U.S. Congressman Tauzin, Chairman of the Commerce Committee, regarding the current ongoing investigation involving tire failures and/or rollovers. I have been to Washington on two occasions to provide all information concerning these failures to Mark R. Paoletta, Chief Counsel for Oversight and Investigations. Ron Motley, Richard Arsenault and I attended the hearings in Washington to assist the Committee in its investigation.

I was appointed by U.S. District Judge Kathleen McDonald O'Mally to serve as Class Counsel in MDL 1401 Sulzer Inter-Op Hip Prosthesis Products Liability Litigation (preliminary approval of proposed class settlement in the amount of seven hundred and eighty million dollars has been reached).

My office has 21 attorneys, 2 nurses, 3 computer specialists and over 30 secretaries, paralegals and administrative personnel. My employees include African-Americans, Hispanics and numerous female attorneys.

Enclosed herein is an article from Town & Country Magazine, an independent source, concerning my reputation as a trial lawyer.

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DANIEL E. BECNEL, JR.  
Louisiana Bar Association No. 2926

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CHARTERED

WILL KEMP  
KIRK R. HARRISON  
J. RANDALL JONES  
WILLIAM L. COULTHARD\*  
KATHLEEN A. MURPHY\*\*  
RICHARD F. SCOTTI\*\*  
JENNIFER C. POPICK  
WILLIAM A. LEMKUL\*\*  
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PETER J. BECKER, JR.\*\*  
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ANDREA N. ALEXANDER

ATTORNEYS AT LAW

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\*\*Also licensed in California

January 18, 2002

Hon. Michael J. Davis  
U.S. District Court  
14 E U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Re: Committee Application MDL No. 1431/In Re Baycol

Dear Judge Davis:

Please accept the following as an application for a position on the Plaintiffs' Steering Committee ("PSC") in the Baycol litigation.

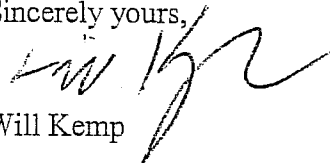
Large MDL Or Complex Cases With Court Designation And Roles And Assignments

- (1) MDL No. 1203/In Re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation. Court appointed by the Hon. Louis Bechtle. Served as member of discovery committee and drafted Interneuron limited fund settlement agreement. Assisted in extensive liability discovery and re-draft trial package.
- (2) MDL-1014 In Re Orthopedic Bone Screw Products Liability Litigation. Court appointed by the Hon Louis Bechtle. Served as member of discovery and settlement committees and assisted in drafting of AcroMed Limited Fund Settlement Agreement.
- (3) Castano Tobacco Litigation. Member of 8 person Executive Committee for multiple firm Castano class action litigations against the major tobacco committees. Assisted in the negotiating and drafting of the national settlement accord and was one of the signators on the national settlement accord.
- (4) Dupont Plaza Hotel Fire Litigation; Plaintiffs' Legal Committee. Court appointed by Hon. Raymond L. Acosta. Served as liaison counsel, member of deposition scheduling committee, member of Discovery Committee, responsible for discovery and expert preparation by plaintiffs and lead trial counsel in product liability trial;

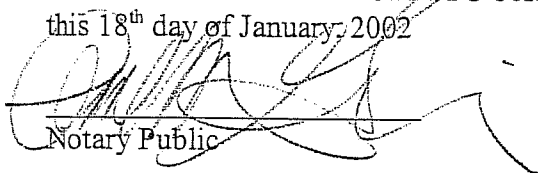
- (5) MGM Grand Hotel Fire Litigation; Plaintiffs' Steering Committee. Court appointed by Hon. Louis Bechtle. Served as liaison counsel, deposition scheduling committee and responsible for discovery and appearances before then Magistrate Pro;
- (6) Nevada Liaison Counsel for Plaintiffs, Silicone Gel Breast Implant Litigation. Court appointed by Hon. Samuel Pointer. Served as co-liaison counsel for the State of Nevada;
- (7) Co-Class Counsel in Forsyth v. Humana Class Action in the District of Nevada; 1989 through present; responsible for discovery and expert reports; drafted Ninth Circuit brief and United States Supreme Court briefs;
- (8) Peachtree 25th office building fire in Atlanta, Georgia; 1990 through 1993. Represented building owner and certain fire victims in pursuit of claims against product manufacturers; responsible for discovery and trial preparation;
- (9) Frank Briscoe v. Morrison Knudsen Company, et al in the District of Nevada; 1980 through 1986. Served as defense counsel for construction manager and project engineer in \$63 Million construction dispute; and
- (10) Bryson v. Synergy in the District of Nevada; 1982. Served as counsel for purchaser in hostile takeover action.

If you need any further details or back-up documentation regarding any of these matters, please contact me at your convenience.

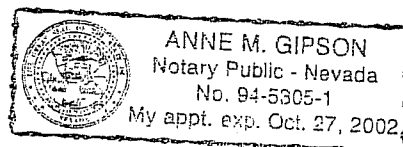
Sincerely yours,

  
Will Kemp

SUBSCRIBED AND SWORN TO before me  
this 18<sup>th</sup> day of January, 2002

  
Notary Public

c: Bucky Zimmerman





PROFESSIONAL BIOGRAPHY  
OF  
DIANNE M. NAST

Ms. Nast is a senior shareholder, officer and director of the firm of Roda & Nast, P.C. From 1976 to 1995, she was with the Philadelphia law firm of Kohn, Nast & Graf, P.C., where she was a named shareholder, officer and director. She graduated magna cum laude from Rutgers University School of Law.

She is a Director of the Federal Judicial Center Foundation, appointed by Chief Justice William H. Rehnquist. In January, 1998, the Chief Justice named Ms. Nast Chair of the Foundation for a term through the year 2002.

In January, 2001, Judge Edward Becker, Chief Judge of the United States Court of Appeals for the Third Circuit appointed Ms. Nast to serve as a member of the fifteen-member Third Circuit Task Force on Selection of Class Counsel.

She has served as a faculty member since 1991 for the Federal Judicial Center's Seminars for Newly Appointed Federal District Judges.

Ms. Nast chaired the Lawyers Advisory Committee for the United States Court of Appeals for the Third Circuit and served a three-year term on that Committee. She served on the Third Circuit's Committee on Revision of Judicial Conduct Rules of the Judicial Council and on the Judicial Conference Long Range Planning Committee from 1982 to 1990.

Ms. Nast has served as Lawyer Chair of the Judicial Conference of the United States Court of Appeals for the Third Circuit.

She is a member of the Historical Society of the Third Circuit, and chaired the Circuit's Centennial Celebration.

She was appointed by the late Chief Judge Alfred L. Luongo to Chair the Eastern District of Pennsylvania's Lawyers Advisory Committee, and served for four years in that position.

She served for three years as President of The Historical Society for the United States District Court for the Eastern District of Pennsylvania and served for three years as Editor of the Society's Historical Calendar. Ms. Nast is a current member of the Society's Board of Directors.

Ms. Nast was selected as one of a small group of Philadelphia attorneys to be appointed a Judge Pro Tempore, serving as presiding Judge in major civil jury cases.

She is a member of the American Bar Association Litigation Section, where she served on the Task Force on State Justice Initiatives and on its consulting committee on counsel fees. She served on the Task Force on the State of the Justice System and the Task Force on Strategic Planning. She co-chaired the Section's Committee on Liaison With International Professional Associations, and served a three-year term on the Section's Council. She was co-chair of a Section Joint Conference with the British Bar, a week long conference in London on Civil Justice. She served as a Section Division Director, and co-chaired the Section's Antitrust Committee. She is also a member of the ABA's Sections of Antitrust Law, Tort and Insurance Practice, General

Practice and Internet Committee and of the American Trial Lawyers Association.

She served a term as Delegate to the American Bar Association House of Delegates, and three terms in the Pennsylvania Bar Association House of Delegates. She was a member of the Pennsylvania Bar Association's Task Force on the Image of the Lawyer.

Ms. Nast served from 1994 to 1996 as a member of the American Arbitration Association Task Force on Alternate Dispute Resolution and Mass Torts. She also served as a member of the Board of Directors of the American Arbitration Association.

Ms. Nast served a three-year term on the Philadelphia Bar Association Board of Governors, chaired the Association's Federal Courts Committee, and was a member of the Chancellor's Committee on Tort Reform and Special Committee on the Bicentennial Celebration.

She is a member of the Lancaster Bar Association and currently serves as co-chair of the Civil Litigation and Rules Committee of the Association's Trial Law Section. She also serves on the Association's Professionalism Committee and as a member of its Nominating Committee.

She is a member of the Historical Society of the United States Supreme Court.

Ms. Nast is a Fellow of the American Bar Foundation.

She is a member of the American Law Institute and the editorial board of ALI's The Practical Litigator.

She has participated as a panelist on programs at the Judicial Conferences of the United States Courts of Appeals for the Third and Fourth Circuits. She frequently serves as a faculty member or panelist on legal educational programs, including programs for the American Bar Association, the American Law Institute, the National College of Advocacy, the American Trial Lawyers Association, the University of Pennsylvania Law School, Rutgers School of Law, Dickinson School of Law, the Pennsylvania, Philadelphia, and Allegheny Court Bar Associations and Prentice-Hall and Mealey Law Publishers. She also serves on the advisory board of several legal publications.

She is a member of the Board of Directors for the Center for Research on Women and Newborn's Health and serves as President of the Foundation's Board.

She served six years as a Director on the Board of the Public Defender's Office of Philadelphia.

She is listed in Who's Who In America, Who's Who In American Women and in a variety of other Who's Who and similar publications.

In 1999, Ms. Nast was selected by *Philadelphia Magazine* as one of Philadelphia's Best Lawyers, citing her lead roles in mass torts. In 2001, the *National Law Journal* selected Ms. Nast as one of the nation's top fifty women litigators.

Ms. Nast has served as Court-appointed Lead or a Co-Lead Counsel in a variety of cases. Below is an alphabetical list of nationwide class actions in which she serves or has served in that capacity:

Airlines Transportation Antitrust Litigation, MDL No. 869 (N.D. Ga.), before The Honorable Marvin H. Shoob. Ms. Nast was Co-Lead Counsel.

Bolar Pharmaceutical Co., Inc. Generic Drug Consumer Litigation, MDL 849 (E.D. Pa.), before The Honorable Edward N. Cahn. Ms. Nast was Co-Lead Counsel.

Chrysler Motors Corporation Overnight Evaluation Program Litigation, MDL 740 (E.D. Mo.), before The Honorable John F. Nangle. Ms. Nast was Co-Lead Counsel.

Chrysler II Litigation, Master File No. 92-424-JPG (S.D. Ill.), before The Honorable J. Phil Gilbert. Ms. Nast was Lead Counsel.

Factor Concentrate Litigation, MDL No. 986, (N.D. Ill.), before The Honorable John Grady. Ms. Nast is Co-Lead Class Counsel.

General Motors Corporation Pickup Fuel Tank Products Liability Litigation, Master File No. 92-6450, MDL 961, (E.D. Pa.) before The Honorable William H. Yohn, Jr. Ms. Nast was Co-Lead Counsel.

Hertz Car Rental Litigation, Civil Action No. 88-0661 (E.D. Pa.), before The Honorable Donald W. VanArtsdalen. Ms. Nast was Lead Counsel.

Nichols, et al. v. SmithKline Beecham Corp. (Paxil Antitrust Litigation), Civil Action No. 00-6222 (E.D. Pa.), before The Honorable John R. Padova. Ms. Nast is Co-Lead Counsel.

Norelco Clean Water Machine Litigation, Master File No. 88-8423 (E.D. Pa.), before The Honorable Daniel H. Huyett, 3rd. Ms. Nast was Lead Counsel.

SmithKline Beecham Securities Litigation, Civil Action No. 88-7474 (E.D. Pa.), before The Honorable Donald W. VanArtsdalen and The Honorable Robert S. Gawthrop, III. Ms. Nast was Co-Lead Counsel.

SmithKline Beecham Securities Litigation, (Common Pleas of Phila. Co., April Term, 1989, No. 2562), before The Honorable I. Raymond Kremer, Court of Common Pleas. Ms. Nast was Co-Lead Counsel.

Steel Drums Antitrust Litigation, MDL No. 887 (S.D. Ohio), before The Honorable Carl B. Rubin. Ms. Nast was Co-Lead Counsel.

Steel Pails Antitrust Litigation, Master File No. C-1-92-213 (S.D. Ohio), before The Honorable Sandra Beckwith. Ms. Nast was Co-Lead Counsel.

\* \* \* \* \*

In addition to serving as Lead or Co-Lead Counsel in the cases listed above, she has been or is a member of committees of counsel in the following national cases, listed alphabetically:

Beech-Nut Consumer Litigation, Master File No. 86-6608 (E.D. Pa.), before The Honorable James McGirr Kelly.

Bridgestone/Firestone Wilderness Tires Product Liability Litigation, MDL No. 1373 (S.D. Ind.), before the Honorable Sarah Evans Barker.

Carbon Dioxide Antitrust Litigation, MDL No. 940 (M.D. Fla.), before The Honorable Patricia C. Fawsett.

Castano Tobacco Litigation, Civil Action No. 94-1044 (E.D. La.), before The Honorable Okla Jones II.

Catfish Antitrust Litigation, MDL No. 928 (N.D. Ms.), before The Honorable Glen H. Davidson.

Chlorine and Caustic Soda Antitrust Litigation, Master File No. 86-5428 (E.D. Pa.), before The Honorable Louis C. Bechtle.

Cigarette Pricing Litigation, MDL No. 1342 (N.D. Ga.),  
before The Honorable J. Owen Forrester.

Diet Drug Product Liability Litigation, MDL No. 1203  
(E.D.Pa.), before The Honorable Louis C. Bechtle.

Felbatol Products Liability Litigation, MDL No. 1048  
(N.D.Ca.), before The Honorable Eugene F. Lynch.

Microsoft Corporation Windows Operating Systems  
Antitrust Litigation, MDL No. 1332 (D. Md.), before  
Chief Judge J. Frederick Motz.

Norplant Contraceptive Product Liability Litigation,  
MDL No. 1038 (E.D.Tex.), before The Honorable Richard  
A. Schell.

Silicone Breast Implant Litigation, MDL 926 (N.D of  
Al.), before The Honorable Sam Pointer, Jr.

Waste Haulers Antitrust Litigation, Master File No. 87-  
3717 (E.D. Pa.), before The Honorable Louis F. Bechtle.

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Email: singlaw@shreve.net

## **Curriculum Vitae**

Born in Shreveport, Louisiana  
Attended Southern University-Baton Rouge  
Graduated Southern University School of Law  
Juris Doctorate Degree - Southern University Law Center  
Admitted to Practice Law in all State and Federal Courts  
Member of Southern University Law School Alumni Association

### **GOVERNMENT ASSOCIATIONS:**

- Former Assistant State Attorney General
- Former Member of the Caddo Parish Police Jury - 1976-1982
- Member of the Louisiana Housing Development Authority
- Member of the Caddo Bossier Arc
- Members of the Louisiana State Legislature 1983-1996

### **LECTURES/SEMINARS :**

Southern University CLE Seminar  
Southern University Legal Assistant  
Associate Degree Major

### **PROFESSIONAL**

- Former Member of the Louisiana Law Institute
- Former Member of the Board of Governors- Trial Lawyers
- Ethics Committee Chairman - Shreveport Bar Association
- Former Chairman - Committee on Judiciary Louisiana State Legislature
- Former Chairman- Committee on Civil Law Louisiana State Legislature

### **CIVIC AND SOCIAL ACTIVITIES:**

- Chairman of the Deacon Board
- Bright Star Baptist Church - Shreveport, LA
- Member of the Cambridge Club
- Kappa Alpha Psi Fraternity

### **CASES**



**W. JAMES SINGLETON**  
**Attorney and Counselor at Law - APLC**  
**4050 Linwood Avenue**  
**Shreveport, Louisiana 71108**

*Anton Cooley, et al vs. Management Training Corporation d/b/a Shreveport Job Corp Center and J. Graves*  
*Insulation Company, Inc.*  
Class Action - (Asbestos)  
First Judicial District Court  
Western District of Louisiana  
Lead Counsel

*Betty Jackson, et al vs. BellSouth Telecommunication and National Directory Assistance* Western District  
of Louisiana  
First Judicial District Court  
Lead Counsel

*Jimmy Green, et al vs. City Service Refinery, OXY-USA, Inc, OXY Canadian Inc., Occidental Petroleum*  
*Arkansas Fuel Oil Company, Arkansas Natural Gas Corporation and Texas Eastern Corporation and/or*  
*Texas Eastern Transmission*  
Western District of Louisiana  
Bossier Parish District Court  
Lead Counsel

*Jack Smith, et al vs. Union Pacific Chemical*  
Western District of Louisiana  
Co-Lead Counsel

**Industrial Class Actions Claims**  
Representing claimants against Insurance  
companies for intentional discrimination  
against African Americans consumers

*Lloyd Morris vs. Liberty Mutual Insurance Company*  
First Judicial District Court  
Counsel

**Castano Tobacco Class Action**

*Gloria Scott, et al vs. The American Tobacco Company, et al*  
*Castano Lawyers against Tobacco Companies*

**Castano Handgun Class Action**  
*Castano Lawyers against Handguns*

CASES

**Anton Cooley, et al vs. Management Training Corporation dba Shreveport Job Corp Center and J. Graves Insulation Company, Inc.**  
Class Action - (Asbestos)  
First Judicial District Court  
Western District of Louisiana  
Lead Counsel

**Betty Jackson, et al vs. BellSouth Telecommunication and National Directory Assistance**  
Western District of Louisiana  
First Judicial District Court  
Lead Counsel

**Jimmy Green, et al vs. City Service Refinery , OXY-USA, Inc, OXY Canadian Inc., Occidental Petroleum Arkansas Fuel Oil Company, Arkansas Natural Gas Corporation and Texas Eastern Corporation and/or Texas Eastern Transmission**  
Western District of Louisiana  
Bossier Parish District Court  
Lead Counsel

**Jack Smith , et al vs. Union Pacific Chemical**  
Western District of Louisiana  
Co-Lead Counsel

**Industrial Class Actions Claims**  
Representing claimants against Insurance companies for intentional discrimination against African Americans consumers

**Lloyd Morris vs. Liberty Mutual Insurance Company**  
First Judicial District Court  
Counsel

Castano Tobacco Class Action

**Gloria Scott, et al vs. The American Tobacco Company, et al**  
Castano Lawyers against Tobacco Companies

**Castano Handgun Class Action**  
Castano Lawyers against Handguns

**Elaine Burks vs. Depuy Orthopedics, Inc.**  
Representing claimants in a prosthetic joint replacement case

**Mary Ferguson et al vs. Sulzer Orthopedics, Inc**  
Representing claimants in a prosthetic joint case

**Robert Feaster vs. Reliant Energy Gas Transmission, Inc., et al**  
Mass water (soil) contamination suit

**Bobby Holmes, et al vs. Bayer Corporations**  
Phenylpropanolamine (PPA) Product Liability Litigation

**Earnest Carpenter, et al vs. SmithKline Beech Corporation**  
Baycol - Product Liability Litigation

**Sullivan Harris, et al vs. General Motors Acceptance Corporation (ECOA)**  
Representing claimants against disproportionate interest rates

**Velma White, et al vs. Pennzoil -Quaker State Company**  
Mass Tort suit-Exposure to Toxic and /or Hazardous substance

**CLASS ACTION LITIGATION:**

- **Oxycontin ( Pain Medication )**
- **Stadol ( Pain Medication for Migraine Headaches)**
- **Norplant ( Birth Control Implants)**
- **Fen-Phen ( Diet Medication)**
- **Zimmer ( Knee Replacements)**
- **Lisbon Oil Spill ( Mass Soil Contamination)**
- **Silicosis (Industrial Disease)**
- **Mold/Sick Buildings ( Persons exposed to building or mold infested environments)**
- **Baycol**
- **Tobacco**
- **Sulzer**