

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KING DRUG COMPANY OF FLORENCE, INC., <i>et al.</i>, on behalf of themselves and all others similarly situated, Plaintiffs, v. CEPHALON, INC., <i>et al.</i>, Defendants.	Civil Action No. 2:06-cv-01797-MSG
	Judge Mitchell S. Goldberg

**DECLARATION OF PETER KOHN IN SUPPORT OF CLASS COUNSEL’S MOTION
FOR AN AWARD OF ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES AND
INCENTIVE AWARDS TO CLASS REPRESENTATIVES**

I, Peter Kohn, under penalty of perjury under the laws of the United States of America, declare as follows:

1. I am a partner of the law firm Faruqi & Faruqi, LLP. I am submitting this declaration in support of Class Counsel’s motion for attorneys’ fees and reimbursement of expenses in connection with the services rendered to the Direct Purchaser Class in the above-captioned litigation. A copy of my firm’s resume is attached hereto as Exhibit 1. The factual matters set forth and the assertions made herein are true and correct to the best of my knowledge, information and belief.

2. During the course of this litigation, my firm has been involved in various activities on behalf of the Direct Purchaser Class. Chief among those activities are:

- Drafting various briefs, principally the successful opposition to summary judgment, a motion seeking reconsideration of the intergeneric conspiracy claim, the motion for class certification, the motion seeking creation of an escrow fund to prevent unjust enrichment, and a *Daubert* motion;

- Taking depositions of defense experts and fact witnesses;
- Working with plaintiffs' economic experts in connection with their reports and deposition testimony;
- Defending depositions of class representatives; and
- Negotiating discovery production of class representatives.

3. All attorneys and paralegals at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case.

4. The schedule below is a summary of the amount of time spent by my firm's attorneys and paralegals: (a) from the inception of the litigation through July 27, 2015, the date that the Court granted preliminary approval of the Settlement with the Cephalon Defendants; and (b) time from July 27, 2015 through the date of this submission that relates to the Settlement.

5. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

Name	Status	Total Hours	Current Hourly Rate	Total Lodestar
Peter Kohn	Partner	923.2	\$800.00	\$738,560.00
Joseph T. Lukens	Partner	231.5	790.00	182,885.00
David Leventhal [†]	Partner	91.5	650.00	59,475.00
Adam Steinfeld	Senior Counsel	2.3	675.00	1,552.50
Neill Clark	Associate	139.1	595.00	82,764.50
Richard Schwartz	Associate	93.2	565.00	52,658.00
Stephen Connolly [†]	Associate	247.1	555.00	137,140.50
Luke Smith [†]	Associate	12.7	495.00	6,286.50
Sarah Westby [†]	Associate	58.2	495.00	28,809.00
Elizabeth A. Silva	Associate	35.0	450.00	15,750.00
Derek Behnke	Paralegal	0.8	340.00	272.00
Daniela Mercado	Paralegal	23.5	300.00	7,050.00
Inha Kang	Paralegal	0.5	300.00	150.00

Name	Status	Total Hours	Current Hourly Rate	Total Lodestar
Anthony J. Aloise	Paralegal	0.7	300.00	210.00
Michael LoBosco	Paralegal	1.0	300.00	300.00
Jessica Jenks [†]	Paralegal	2.2	275.00	605.00
Joy Williams [†]	Paralegal	1.0	275.00	275.00
Totals:		1,863.5		\$1,314,743.00

[†] No longer with the firm


6. My firm has also incurred a total of \$224,979.08 in unreimbursed expenses in connection with the prosecution of the litigation. These expenses were reasonably and necessarily incurred in connection with this litigation and include:

Expense	Amount
Telephone/Teleconference/Facsimile	\$30.40
Postage/Air Express/Messengers	845.28
Research	2,227.77
Travel/Hotel/Meals	6,839.76
Litigation Fund Assessment	213,000.00
Court Reporter	1,812.10
Process Server	223.77
Total:	\$224,979.08

7. The expenses incurred in this action are also reflected on the books and records of my firm. These books and records are prepared from expense vouchers, receipts and other source material and accurately record the expenses incurred.

8. Pursuant to 28 U.S.C. § 1746, I declare under the penalties of perjury that the foregoing is true and correct. Executed September 9, 2015.

Dated: September 9, 2015



 Peter Kohn



Faruqi & Faruqi, LLP focuses on complex civil litigation, including securities, antitrust, wage and hour, and consumer class actions as well as shareholder derivative and merger and transactional litigation. The firm is headquartered in New York, and maintains offices in California, Delaware and Pennsylvania.

Since its founding in 1995, Faruqi & Faruqi, LLP has served as lead or co-lead counsel in numerous high-profile cases which ultimately provided significant recoveries to investors, consumers and employees.

PRACTICE AREAS

ANTITRUST LITIGATION

The attorneys at Faruqi & Faruqi, LLP represent direct purchasers, third-party payors, end payors, and competitors in a variety of individual and class action antitrust cases brought under Sections 1 and 2 of the Sherman Act. These actions, which typically seek treble damages under Section 4 of the Clayton Act, have been commenced by businesses and consumers who have been injured by anticompetitive agreements to fix prices or allocate markets, conduct that excludes or delays competition, and other monopolistic or conspiratorial conduct that harms competition. Current and past matters include the following:

- *In re Aftermarket Filters Antitrust Litigation*, No. 08-4883 (N.D. Ill) (representing a proposed class of direct purchasers of filters challenging conspiracy to fix prices, in violation of § 1 of the Sherman Act)
- *In re Aggrenox Antitrust Litigation*, No. 14-2516 (D. Conn.) (representing a pharmaceutical wholesaler and a proposed class of direct purchasers of Boehringer Ingelheim's combination stroke prevention drug, Aggrenox, alleging that Boehringer paid its would-be generic competitors to delay launching their less-expensive generic versions of Aggrenox)
- *In re AndroGel Antitrust Litigation (II)*, No. 09-2084 (N.D. Ga.) (representing a proposed class of direct purchasers of drug AndroGel, alleging that the manufacturer of drug AndroGel entered into anticompetitive settlement agreements designed to delay generic competition in violation of §§ 1 and 2 of the Sherman Act)
- *Babyage.com, Inc., et al. v. Toys "R" Us, Inc.*, No. 05-6792 (E.D. Pa.) (representing two retailers challenging dominant retailer and co-conspirator suppliers' anticompetitive scheme to impose and enforce resale price maintenance in violation of §§ 1 and 2 of the Sherman Act and state law) (settled for undisclosed amount)
- *In re Blood Reagents Antitrust Litigation*, No. 09-2081 (E.D. Pa.) (representing a proposed class of direct purchasers of blood reagent products, challenging conspiracy to fix prices, in violation of § 1 of the Sherman Act)
- *Broadway v. JP Morgan Chase & Co. et al.*, No. 11-cv-00398 (E.D.N.Y.) (representing proposed class of silver traders against investment firms alleging conspiracy to depress and manipulate the price of COMEX silver futures and option contracts in violation of § 1 of the Sherman Act)



- *Brownson v. Furukawa Electric Co., Ltd. et al*, No. 11-14831(E.D. Mich.) (representing proposed class of users of wire harnesses in automobiles against parts manufactures who pleaded guilty to Department of Justice charges of an conspiracy to fix prices, violating § 1 of the Sherman Act)
- *Castro et al. v. Sanofi Pasteur, Inc.*, No. 11-cv-07178 (D.N.J.) (representing pediatricians and practice groups again children’s vaccine maker for tying and bundling in an abuse of monopoly power in violation of § 2 of the Sherman Act)
- *In re Chocolate Confectionary Antitrust Litigation*, No. 08-MD-1935 (M.D. Pa.) (representing direct purchasers of chocolate products challenging conspiracy to fix prices, in violation of § 1 of the Sherman Act)
- *Connecticut Children’s Medical Center v. Lundbeck, Inc.*, No. 09-1652 (D. Minn.) (representing a class of direct purchasers of drugs Indocin and NeoProfen alleging monopolization under §§ 1 and 2 of the Sherman Act and § 7 of the Clayton Act) (settled)
- *Cronk v. GMAC Mortgage, LLC*, No. 11-05161-SD (E.D. Pa.) (representing a class of condominium owners alleging that GMAC conducted a pattern and practice of forcing owners of condominium units to purchase excessive high-premium flood insurance in violation of federal and state laws)
- *In re Effexor Antitrust Litigation*, No 11-196 (D.N.J.) (representing a proposed class of direct purchasers of drug Effexor XR, alleging that the manufacturer, in concert with a generic manufacturer, engaged in an anticompetitive scheme to delay generic competition in violation of §§ 1 and 2 of the Sherman Act) (Faruqi & Faruqi is on the Executive Committee)
- *In re Endosurgical Products Direct Purchaser Antitrust Litigation*, No. 05-CV-8809 (C.D. Cal.) (represented a proposed class of direct purchasers of endosurgical products manufactured by Johnson and Johnson, challenging bundled pricing and exclusionary contracting scheme that violated §§ 1 and 2 of the Sherman Act) (settled)
- *F & V Oil Company, Inc., et al v. Reddy Ice Holdings, Inc., et al*, No. 08-11152 (E.D. Mich.) (representing class of direct purchasers against manufacturers of packaged ice alleging conspiracy to fix prices and allocate markets in violation of § 1 of the Sherman Act)(partially settled)
- *In re Hypodermic Products Antitrust Litigation*, No. 05-1602 (D.N.J.) (representing a proposed class of direct purchasers challenging monopolistic conduct by Becton Dickinson and Company in the sale of hypodermic syringes and related products) (settlement for \$45 million)
- *In re Iowa Ready-Mixed Concrete Antitrust Litigation*, No. C 10-4038 (N.D. Ia.) (representing direct purchasers alleging producers and seller sellers of ready-mixed concrete conspired to fix prices in violation of § 1 of the Sherman Act) (settled for \$18.5 million)
- *Isaac Industries, Inc. v. E.I. Dupont De Nemours and Company, et al.*, No. 10-00323-RDB (D. Md.) (representing proposed class of direct purchasers of titanium dioxide against manufacturers alleging a conspiracy to fix prices in violation of § 1 of the Sherman Act) (settlements in excess of \$100 million)
- *Jimico Enterprises, Inc., et al. v. Lehigh Gas Corp.*, No. 07-578 (N.D.N.Y) (representing several terminated gas stations alleging violations of the Petroleum Marketing Practices Act) (judgment for plaintiffs)
- *King Drug Company of Florence, Inc., et al. v. Cephalon, Inc., et al.*, No. 06-1797 (E.D. Pa.) (representing direct purchasers of drug Provigil alleging Cephalon conspired with generic competitors as part of a larger scheme to monopolize in violation of §§ 1 and 2 of the Sherman Act)
- *In re Lidoderm Antitrust Litig.*, No. 14-2521 (N.D. Cal.) (representing a pharmaceutical wholesaler and a proposed class of direct purchasers of Endo’s 5% lidocaine patch, Lidoderm, alleging that Endo paid its would-be generic competitor, Watson (now known as Actavis) hundreds of millions of dollars to delay entering the market with less-expensive generic versions of Lidoderm for 13 months) (Faruqi & Faruqi is co-lead counsel)



- *In re Lipitor Antitrust Litigation*, No. 12-2389 (PGS/DEA) (D.N.J.) (representing a proposed class of direct purchasers of Lipitor alleging that Pfizer and a generic drug company, Ranbaxy, conspired to delay generic atorvastatin calcium competition)
- *In re LoEstrin Antitrust Litigation*, No. 13-md-2472 (D.R.I.) (representing a proposed class of direct purchasers of drug LoEstrin 24 Fe, alleging that the manufacturer and would-be generic manufacturers conspired to enter into a pay-for-delay agreement to delay generic competition in violation of § 1 of the Sherman Act) (Faruqi & Faruqi is co-lead counsel)
- *Marchbanks Truck Service, Inc., et al. v. Comdata Network, Inc., et al.*, No. 07-1078-JKG-HSP (E.D. Pa.) (representing proposed class of independent truck stops against fleet card issuer and chain truckstops for abuse of monopoly power and tying and bundling in violation of § 2 of the Sherman Act)
- *Marchese v. Cablevision Systems Corporation*, No. 2:10-cv-02190 (D.N.J.) (representing a proposed class of direct purchasers of two-way cable services from Cablevision, accusing Cablevision of illegally tying those services to rentals of a Cablevision-supplied set-top box)
- *Mark S. Wallach, et al. v. Eaton Corp., et al.*, No. 10-260 (D. Del.) (representing purchasers of truck transmissions alleging exclusive dealing agreements between Eaton Corp. and OEMs to keep the price for truck transmissions artificially high in violation of §§ 1 and 2 of the Sherman Act and § 3 of the Clayton Act) (Faruqi & Faruqi is on the executive committee)
- *In re Metoprolol Succinate Direct Purchaser Antitrust Litigation*, 06-52 (D. Del.) (representing pharmaceutical wholesaler and proposed class of direct purchasers challenging the conduct of AstraZeneca in delaying generic drug competition, in violation of § 2 of the Sherman Act) (settled for \$20 million)
- *Mylan Pharms., Inc. v. Warner Chilcott Public Limited Company, et al.*, No. 12-3824 (E.D. Pa.) (representing a proposed class of direct purchasers of drug Doryx, alleging that the manufacturer engaged in an anticompetitive scheme to delay generic competition in violation of §§ 1 and 2 of the Sherman Act) (Faruqi & Faruqi is co-lead counsel) (settled for \$15 million)
- *In re Nexium (Esomeprazole) Antitrust Litigation*, No. 12-md-2409 (D. Mass.) (representing a pharmaceutical wholesaler and proposed class of direct purchasers challenging pay-for-delay agreements delayed generic competition to AstraZeneca's Nexium, in violation of §§ 1 and 2 of the Sherman Act)
- *In re Niaspan Antitrust Litigation*, No. 13-md-2460 (E.D. Pa.) (representing a proposed class of direct purchasers of drug Niaspan, alleging that the manufacturer and would-be generic companies conspired to enter into a pay-for-delay agreement to delay generic competition in violation of § 1 of the Sherman Act)
- *In re Online DVD Rental Antitrust Litigation*, No. 09-2029 (N.D. Cal.) (representing a proposed class of subscribers to Netflix alleging a per se illegal market allocation agreement between it and Walmart) (partial settlement for approximately \$27 million)
- *In re Pennsylvania Title Ins. Antitrust Litigation*, No. 08-1202 (E.D. Pa.) (Faruqi & Faruqi partner Peter Kohn was co-lead counsel in this action on behalf of direct purchasers of title insurance alleging illegal cartel pricing under § 1 of the Sherman Act)
- *In re Prandin Direct Purchaser Antitrust Litigation*, No. 10-12141AC-DAS (E.D. Mich.) (representing a pharmaceutical wholesaler and proposed class of direct purchasers challenging the conduct of Novo Nordisk A/S in manipulating regulatory framework and patent laws to delay generic drug competition in violation of § 2 of the Sherman Act) (Faruqi & Faruqi is on the executive committee)
- *In re Ready-Mixed Concrete Antitrust Litigation*, No. 05-979 (S.D. Ind.) (represented a proposed class of direct purchasers of ready-mixed concrete challenging conspiracy to fix prices, in violation of § 1 of the Sherman Act) (settled in excess of \$40 million)



- *Rhodes v. National Collegiate Athletic Association, et al*, No. 09-5378 (N.D. Cal.) (representing a proposed class of Division 1 college athletes and former athletes against the NCAA and its licensing agent alleging conspiracy to preclude athletes from profiting from use of their images in violation of § 1 of the Sherman Act)
- *Rochester Drug Co-Operative, Inc., et al. v. Braintree Labs, Inc.*, No. 07-142-SLR (D. Del.) (representing a pharmaceutical wholesaler and proposed class of direct purchasers of drug MiraLax alleging and anticompetitive scheme to delay generic competition in violation of § 2 of the Sherman Act) (settled for \$17.25 million)
- *In re Skelaxin (Metaxalone) Antitrust Litigation*, No. 12-MD-2343 (E.D. Tenn.) (representing a proposed class of direct purchasers of Skelaxin alleging that King and a generic drug company, Mutual, conspired to delay generic metaxalone competition) (settled for \$73 million)
- *In re Solodyn Antitrust Litig.*, No. 14-10438 (D. Mass.) (representing a pharmaceutical wholesaler and a proposed class of direct purchasers of Medicis's minocycline drug, Solodyn, alleging that Medicis engaged in an anticompetitive scheme to prevent lower-priced generic competition from entering the market)
- *Sotomayor, v. Hachette Book Group Inc., et al.*, No. 11-05707 (S.D.N.Y.) (representing a proposed class of e-book purchasers alleging a horizontal conspiracy among book publishers and e-book sellers in the United States to raise, fix, stabilize and maintain retail prices of e-books)
- *In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation*, MDL No. 2445 (representing a pharmaceutical wholesaler and proposed class of direct purchasers of Reckitt Benckiser's Suboxone, alleging that Reckitt engaged in a scheme to delay generic competition in violation of § 2 of the Sherman Act) (Faruqi & Faruqi is co-lead counsel)
- *In re Text Messaging Antitrust Litigation*, No. 08-C-782 (N.D. Ill.) (representing purchasers of text messaging services alleging price-fixing in violation of § 1 of the Sherman Act)
- *Throm v. GMAC Mortgage, LLC*, No. 11-06813-SD (E.D. Pa.) (representing a class of homeowners alleging that GMAC conducted a pattern and practice of forcing owners of properties to purchase excessive high-premium flood insurance in violation of federal and state laws)
- *In re Tricor Antitrust Litigation*, No. 05-360 (D. Del.) (represented PacifiCare, a large third-party payor challenging the conduct of Abbott Laboratories and Laboratories Fournier in suppressing generic drug competition, in violation of §§ 1 and 2 of the Sherman Act) (settled for undisclosed amount)
- *In re Wellbutrin XL Antitrust Litigation*, No. 08-2431 (E.D. Pa.) (representing a pharmaceutical wholesaler and proposed class of direct purchasers challenging the conduct of SmithKline Beecham Corp. and Biovail Laboratories in delaying generic drug competition, in violation of §§ 1 and 2 of the Sherman Act) (settlement for \$37.5 million against one defendant)

CONSUMER FRAUD LITIGATION

Attorneys at Faruqi & Faruqi, LLP have represented consumers in a variety of state and federal complex class action cases. In *Thomas v. Global Vision Products*, Case No. RG-03091195, California Superior Ct., Alameda Cty.), Faruqi & Faruqi, LLP served as co-lead counsel in a consumer class action lawsuit against Global Vision Products, Inc., the manufacturer of the Avacor hair restoration product and its officers, directors and spokespersons, in connection with



the false and misleading advertising claims regarding the Avacor product. Though the company had declared bankruptcy in 2007, Faruqi & Faruqi, LLP, along with its co-counsel, successfully prosecuted two trials to obtain relief for the class of Avacor purchasers. In January 2008, a jury in the first trial returned a verdict of almost \$37 million against two of the creators of the product. In November 2009, another jury awarded plaintiff and the class more than \$50 million in a separate trial against two other company directors and officers. This jury award represented the largest consumer class action jury award in California in 2009 (according to VerdictSearch, a legal trade publication).

In *Kelly, v. Phiten*, 11-cv-00067 JEG (S.D. IA 2011), Faruqi & Faruqi, LLP served as co-lead counsel in action concerning Defendant Phiten USA's alleged false and misleading statements that its jewelry and other products are capable of balancing the user's energy flow. Faruqi & Faruqi, LLP negotiated a settlement entitling claimants to up to 300% of the cost of the product and substantial injunctive relief requiring Phiten to modify its advertising claims.

Faruqi & Faruqi, LLP was also successful in *In re: HP Power-Plug Litigation*, Case No. 06-1221 (N.D. Cal.), in obtaining full relief to class members with a settlement of a cash payment up to \$650.00, or in the alternative, a repair free-of-charge and free of shipping and handling costs and new limited warranty, to compensate class members for defective laptops manufactured by defendant HP. Also, in *Delre v. Hewlett-Packard Co.*, C.A. No. 3232-02 (N.J. Super. Ct. 2002), Faruqi & Faruqi, LLP obtained full relief for a class of approximately 170,000 members who purchased HP dvd-100i dvd-writers ("HP 100i") after HP misrepresented the write-once ("DVD+R") capabilities of the HP 100i; including, the compatibility of DVD+RW disks written by HP 100i with DVD players and other optical storage devices. HP agreed to replace the defective HP 100i with its more current, second generation DVD writer, the HP 200i, for affected class members and refund the \$99 it had charged some consumers to upgrade from the HP 100i to the HP 200i prior to the settlement. Also, in *Potter v. Sharper Image Corp.*, No. CGC-03426350



(Cal. Sup. Ct.) Faruqi & Faruqi, LLP was lead counsel on behalf of a class of purchasers of Sharper Image's Ionic Breeze air purifiers alleging unfair and deceptive trade practices.

Faruqi & Faruqi, LLP was appointed counsel in *In re: Toyota Motor Corp. Hybrid Brake Marketing, Sales Practices, And Product Liability Litigation*, MDL No. 2172-CJC-RNB (C.D. Cal. 2011) on behalf of a proposed nationwide class of purchasers of Prius Hybrid and Lexus HS250h automobiles. Recently, Faruqi & Faruqi and co-counsel defeated a complex motion to dismiss filed by defendants who challenged plaintiffs' allegations pursuant to California's consumer laws including the UCL, the CLRA, and FAL as well as plaintiffs' breach of implied warranty of merchantability and breach of contract claims.

Faruqi & Faruqi is currently co-lead counsel in the following cases:

- *Avram v. Samsung Electronics America, Inc., et al.*, Case No. 11-CIV-6973 SRC-MAS (D.N.J. 2011) (representing a proposed nationwide class of persons who purchased mislabeled refrigerators from Samsung Electronics America, Inc. for misrepresenting the energy efficiency of certain refrigerators.)
- *Bates v. General Nutrition Centers, Inc., et al.*, Case No. 12-cv-01336-ODW-AJW (C.D. Cal. 2012) (representing a prospective class of consumers who purchased C-4 Extreme, a product containing a dangerous and synthetic stimulant, which has been deceptively marketed as a pre-workout "dietary supplement".)
- *Bates v. Kashi Co., et al.*, Case No. 11-CV-1967-H BGS (S.D. Cal. 2011) (representing a proposed nationwide class of purchasers of Kashi products that were deceptively labeled as "all natural.")
- *Dei Rossi v. Whirlpool Corp., et al.*, Case No. 2:12-cv-00125-JAM-JFM (E.D. Cal. 2012) (representing a proposed class of people who purchased mislabeled KitchenAid brand refrigerators from Whirlpool Corp., Best Buy, and other retailers.)
- *Dzielak v. Whirlpool Corp., et al.*, Case No. 12-CIV-0089 SRC-MAS (D. N.J. 2011) (representing a proposed nationwide class of purchasers of mislabeled Maytag brand washing machines for misrepresenting the energy efficiency of such washing machines.)
- *In re: Haier Freezer Consumer Litig.*, Case No. 11-CV-02911 EJD (D.N.J. 2011) (representing a proposed class of people who purchased mislabeled freezers from Haier America Trading, LLC and General Electric Company.)
- *In re: Michaels Stores Pin Pad Litig.*, Case No. 1:11-CV-03350 CPK (N.D. Ill. 2011) (representing a nationwide class of persons against Michaels Stores, Inc. for failing to secure and safeguard customers personal financial data.)
- *Loreto v. Coast Cutlery Co.*, Case No. 11-3977 SDW-MCA (D.N.J. 2011) (representing a proposed nationwide class of people who purchased knives that were of a lesser quality than advertised.)
- *Rodriguez v. CitiMortgage, Inc.*, Case No. 1:11-cv-04718-PGG-DCF (S.D.N.Y. 2011) (representing a proposed nationwide class of military personnel against CitiMortgage for illegal foreclosures.)
- *Rossi v. The Procter & Gamble Co.*, Case No. 11-CIV-7238 JLL (D.N.J. 2011) (representing a proposed nationwide class of purchasers of Crest Sensitivity Treatment & Protection toothpaste.)



- *In re: Scotts EZ Seed Litigation*, Case No. 7:12-cv-04727-VB (S.D.N.Y. 2012) (representing a proposed class of mulch grass seed products advertised as a superior grass seed product capable of growing grass in the toughest conditions and with half the water.)

EMPLOYMENT PRACTICES GROUP

Faruqi & Faruqi, LLP is a recognized leader in protecting the rights of employees. The firm's Employment Practices Group is committed to protecting the rights of current and former employees nationwide. The firm is dedicated to representing employees who may not have been compensated properly by their employer or who have suffered investment losses in their employer-sponsored retirement plan. The firm also represents individuals (often current or former employees) who assert that a company has allegedly defrauded the federal or state government.

Faruqi & Faruqi represents current and former employees nationwide whose employers have failed to comply with state and/or federal laws governing minimum wage, hours worked, overtime, meal and rest breaks, and unreimbursed business expenses. In particular, the firm focuses on claims against companies for (i) failing to properly classify their employees for purposes of paying them proper overtime pay, or (ii) requiring employees to work "off-the-clock," and not paying them for all of their actual hours worked.

In prosecuting claims on behalf of aggrieved employees, Faruqi & Faruqi has successfully defeated summary judgment motions, won numerous collective certification motions, and obtained significant monetary recoveries for current and former employees. In the course of litigating these claims, the firm has been a pioneer in developing the growing area of wage and hour law. In *Creely, et al. v. HCR ManorCare, Inc.*, C.A. No. 3:09-cv-02879 (N.D. OH), Faruqi & Faruqi, along with its co-counsel, obtained one of the first decisions to reject the application of the Supreme Court's Fed. R. Civ. P. 23 certification analysis in *Wal-Mart Stores, Inc. v. Dukes et. al.*, 131 S. Ct. 2541 (2011) to the certification process of collective actions brought pursuant to the Fair Labor Standards Act of 1938 ("FLSA"). The firm, along with its co-



counsel, also recently won a groundbreaking decision for employees seeking to prosecute wage and hour claims on a collective basis in *Symczyk v. Genesis Healthcare Corp. et al.*, No. 10-3178 (3d Cir. 2011). In *Symczyk*, the Third Circuit reversed the district court's ruling that an offer of judgment mooted a named plaintiff's claim in an action asserting wage and hour violations of the FLSA. Notably, the Third Circuit also affirmed the two-step process used for granting certification in FLSA cases. The *Creely* decision, like the Third Circuit's *Genesis* decision, will invariably be relied upon by courts and plaintiffs in future wage and hour actions.

Some of the firm's notable recoveries include *Bazzini v. Club Fit Management, Inc., C.A.* No. 08-cv-4530 (S.D.N.Y. 2008), wherein the firm settled a FLSA collective action lawsuit on behalf of tennis professionals, fitness instructors and other health club employees on very favorable terms. Similarly, in *Garcia, et al., v. Lowe's Home Center, Inc., et al.*, C.A. No. GIC 841120 (Cal. Sup. Ct. 2008), Faruqi & Faruqi served as co-lead counsel and recovered \$1.6 million on behalf of delivery workers who were unlawfully treated as independent contractors and not paid appropriate overtime wages or benefits.

The firm's Employment Practices Group also represents participants and beneficiaries of employee benefit plans covered by the Employee Retirement Income Security Act of 1974 ("ERISA"). In particular the firm protects the interests of employees in retirement savings plans against the wrongful conduct of plan fiduciaries. Often, these retirement savings plans constitute a significant portion of an employee's retirement savings. ERISA, which codifies one of the highest duties known to law, requires an employer to act in the best interests of the plan's participants, including the selection and maintenance of retirement investment vehicles. For example, an employer who administers a retirement savings plan (often a 401(k) plan) has a fiduciary obligation to ensure that the retirement plan's assets (including employee and any company matching contributions to the plan) are directed into appropriate and prudent investment vehicles.



Faruqi & Faruqi has brought actions on behalf of aggrieved plan participants where a company and/or certain of its officers breached their fiduciary duty by allowing its retirement plans to invest in shares of its own stock despite having access to materially negative information concerning the company which materially impacted the value of the stock. The resulting losses can be devastating to employees' retirement accounts. Under certain circumstances, current and former employees can seek to hold their employers accountable for plan losses caused by the employer's breach of their ERISA-mandated duties.

The firm's Employment Practices Group also represents whistleblowers in actions under both federal and state False Claims Acts. Often, current and former employees of business entities that contract with, or are otherwise bound by obligations to, the federal and state governments become aware of wrongdoing that causes the government to overpay for a good or service. When a corporation perpetrates such fraud, a whistleblower may sue the wrongdoer in the government's name to recover up to three times actual damages and additional civil penalties for each false statement made. Whistleblowers who initiate such suits are entitled to a portion of the recovery attained by the government, generally ranging from 15% to 30% of the total recovery.

False Claims Act cases often arise in context of Medicare and Medicaid fraud, pharmaceutical fraud, defense contractor fraud, federal government contractor fraud, and fraudulent loans and grants. For instance, in *United States of America, ex rel. Ronald J. Streck v. Allergan, Inc. et al.*, No. 2:08-cv-05135-ER (E.D. Pa.), Faruqi & Faruqi represents a whistleblower in an un-sealed case alleging fraud against thirteen pharmaceutical companies who underpaid rebates they were obliged to pay to state Medicaid programs on drugs sold through those programs.

Based on its experience and expertise, the firm has served as the principal attorneys representing current and former employees in numerous cases across the country alleging wage and hour violations, ERISA violations and violations of federal and state False Claims Acts.



SECURITIES FRAUD LITIGATION

Since its inception over seventeen years ago, Faruqi & Faruqi, LLP has devoted a substantial portion of its practice to class action securities fraud litigation. In *In re Purchase Pro Inc. Securities Litig.*, Master File No. CV-S-01-0483-JLQ (D. Nev. 2001), as co-lead counsel for the class, Faruqi & Faruqi, LLP secured a \$24.2 million settlement in a securities fraud litigation. As noted by Senior Judge Justin L. Quackenbush in approving the settlement, “I feel that counsel for plaintiffs evidenced that they were and are skilled in the field of securities litigation.”

Other past achievements include; *In re Olsten Corp. Secs. Litig.*, C.A. No. 97-CV-5056 (E.D.N.Y.) (recovered \$25 million dollars for class members), *In re Mitcham Indus, Inc. Secs. Litig.*, Master File No. H-98-1244 (S.D. Tex. 1998) (recovered \$3 million dollars on behalf of class members despite the fact that corporate defendant was on the verge of declaring bankruptcy), and *Ruskin v. TIG Holdings, Inc.*, C.A. No. 98 Civ. 1068 (S.D.N.Y. 1998) (recovered \$3 million dollars on behalf of class members).

Recently, in *Shapiro v. Matrixx Initiatives, Inc.*, Case No. CV-09-1479-PHX-ROS, Faruqi & Faruqi, LLP, as co-lead counsel for the class, defeated defendants’ motion to dismiss and succeeded in having the action certified as a class action. Counsel is currently conducting discovery on behalf of class members.

Additionally, Faruqi & Faruqi, LLP is serving as court-appointed counsel for the class in the following cases:

- *Percoco v. Deckers Outdoor Corp.*, No. 1:12-cv-01001-SLR (D. Del.) (sole lead counsel)
- *McGee v. American Oriental Bioengineering, Inc.*, No. 2:12-cv-05476-SVW-SHx (C.D. Cal.) (sole lead counsel)
- *Lauria v. BioSante Pharm., Inc.*, No. 12 C 0771 (N.D. Ill.) (sole lead counsel)
- *Austin v. AEterna Zentaris Inc.*, No. 1:12-Civ-4711-(PKC) (S.D.N.Y.) (sole lead counsel)
- *McIntyre v. Chelsea Therapeutics Int’l, LTD*, Case No. 3:12-CV-213-MOC-DCK (sole lead counsel)
- *In re Carbo Ceramics, Inc. Stock & Options Sec. Litig.*, Case No. 1:12-cv-01034-LLS (S.D.N.Y.) (lead counsel for options investors)
- *In re China Organic Sec. Litig.*, Case No. 1:11-cv-08623-LBS (S.D.N.Y.) (sole lead counsel)
- *In re GLG Life Tech Corp. Sec. Litig.*, Case No. 1:11-cv-09150-BSJ-GWG (S.D.N.Y.) (sole lead counsel)



- *Anghel v. Ebix, Inc.*, Case No. 1:11-cv-02400-RWS (N.D. Ga., Atlanta Division) (sole lead counsel)

SHAREHOLDER DERIVATIVE LITIGATION

Faruqi & Faruqi, LLP has extensive experience litigating shareholder derivative actions on behalf of corporate entities. This litigation is often necessary when the corporation has been injured by the wrongdoing of its officers and directors. This wrongdoing can be either active, such as the wrongdoing by certain corporate officers in connection with purposeful backdating of stock-options, or passive, such as the failure to put in place proper internal controls, which leads to the violation of laws and accounting procedures. A shareholder has the right to commence a derivative action when the company's directors are unwilling or unable, to pursue claims against the wrongdoers, which is often the case when the directors themselves are the wrongdoers.

The purpose of the derivative action is threefold: (1) to make the company whole by holding those responsible for the wrongdoing accountable; (2) the establishment of procedures at the company to ensure the damaging acts can never again occur at the company; and (3) make the company more responsive to its shareholders. Improved corporate governance and shareholder responsiveness are particularly valuable because they make the company a stronger one going forward, which benefits its shareholders. For example, studies have shown the companies with poor corporate governance scores have 5-year returns that are 3.95% below the industry average, while companies with good corporate governance scores have 5-year returns that are 7.91 % above the industry-adjusted average. The difference in performance between these two groups is 11.86%. *Corporate Governance Study: The Correlation between Corporate Governance and Company Performance*, Lawrence D. Brown, Ph.D., Distinguished Professor of Accountancy, Georgia State University and Marcus L. Caylor, Ph.D. Student, Georgia State University Faruqi & Faruqi, LLP has achieved all three of the above stated goals of a derivative action. The firm regularly obtains significant corporate governance changes in connection with



the successful resolution of derivative actions, in addition to monetary recoveries that inure directly to the benefit of the company. In each case, the company's shareholders indirectly benefit through an improved market price and market perception.

In *In re UnitedHealth Group Incorporated Derivative Litig.*, Case No. 27 CV 06-8065 (Minn. 4th Judicial Dist. 2009) Faruqi & Faruqi, LLP, as co-lead counsel for plaintiffs, obtained a recovery of more than \$930 million for the benefit of the Company and corporate governance reforms designed to make UnitedHealth a model of corporate responsibility and transparency. At the time, the settlement reached was believed to be the largest settlement ever in a derivative case. See "UnitedHealth's Former Chief to Repay \$600 Million," Bloomberg.com, December 6, 2007 ("the settlement . . . would be the largest ever in a 'derivative' suit . . . according to data compiled by Bloomberg.").

As co-lead counsel in *Weissman v. John, et al.*, Cause No. 2007-31254 (Tex. Harris County 2008) Faruqi & Faruqi, LLP, diligently litigated a shareholder derivative action on behalf of Key Energy Services, Inc. for more than three years and caused the company to adopt a multitude of corporate governance reforms which far exceeded listing and regulatory requirements. Such reforms included, among other things, the appointment of a new senior management team, the realignment of personnel, the institution of training sessions on internal control processes and activities, and the addition of 14 new accountants at the company with experience in public accounting, financial reporting, tax accounting, and SOX compliance.

More recently, Faruqi & Faruqi, LLP concluded shareholder derivative litigation in *The Booth Family Trust, et al. v. Jeffries, et al.*, Lead Case No. 05-cv-00860 (S.D. Ohio 2005) on behalf of Abercrombie & Fitch Co. Faruqi & Faruqi, LLP, as co-lead counsel for plaintiffs, litigated the case for six years through an appeal in the U.S. Court of Appeals for the Sixth Circuit where it successfully obtained reversal of the district court ruling dismissing the shareholder derivative action in April 2011. Once remanded to the district court, Faruqi & Faruqi, LLP caused the company to adopt important corporate governance reforms narrowly targeted to remedy the



alleged insider trading and discriminatory employment practices that gave rise to the shareholder derivative action.

The favorable outcome obtained by Faruqi & Faruqi, LLP in *In re Forest Laboratories, Inc. Derivative Litigation*, Lead Civil Action No. 05-cv-3489 (S.D.N.Y. 2005) is another notable achievement for the firm. After more than six years of litigation, Faruqi & Faruqi, LLP, as co-lead counsel, caused the company to adopt industry-leading corporate governance measures that included rigorous monitoring mechanisms and Board-level oversight procedures to ensure the timely and complete publication of clinical drug trial results to the investing public and to deter, among other things, the unlawful off-label promotion of drugs.

SHAREHOLDER MERGER AND TRANSACTIONAL LITIGATION

Faruqi & Faruqi, LLP places special emphasis on prosecuting shareholder class actions brought nationwide against officers, directors and other parties responsible for corporate wrongdoing. Most of these cases are based upon state statutory or common law principles involving fiduciary duties owed to investors by corporate insiders as well as Exchange Act violations.

Faruqi & Faruqi, LLP has obtained significant monetary and therapeutic recoveries, including millions of dollars in increased merger consideration for public shareholders; additional disclosure of significant material information so that shareholders can intelligently gauge the fairness of the terms of proposed transactions and other types of therapeutic relief designed to increase competitive bids and protect shareholder value. As noted by Judge Timothy S. Black of the United States District Court for the Southern District of Ohio in appointing lead counsel *Nighting v. DPL Inc.*, Case No. 3:11-cv-14 (S.D. Ohio), "[a]lthough all of the firms seeking appointment as Lead Counsel have impressive resumes, the Court is most impressed with Faruqi & Faruqi."



As sole class counsel for plaintiffs in *Kajaria v. Cohen*, No. 1:10-CV-03141 (N.D. Ga., Atlanta Div.), Faruqi & Faruqi, LLP, succeeded in having the district court order Bluelinx Holdings Inc., the target company in a tender offer, to issue additional material disclosures to its recommendation statement to shareholders before the expiration of the tender offer. In *In re Cogent, Inc. Shareholders Litigation*, Consol. C.A. No. 5780-VC (Del. Ch.) Faruqi & Faruqi, LLP, as co-lead counsel obtained a post-close cash settlement of \$1.9 million after two years of hotly contested litigation; *In re Bausch & Lomb Inc. Buyout Litig.*, Index No. 07/6384 (N.Y. Supr. Ct., Monroe Cty. 2008) Faruqi & Faruqi, LLP, as co-lead counsel, caused Bausch & Lomb Inc. to disclose to shareholders critical material information concerning its merger with Warburg Pincus LLC and in *Rice v. Lafarge North America, Inc., et al.*, No. 268974-V (Montgomery Cty., Md. Circuit Ct.), Faruqi & Faruqi, LLP, as co-lead counsel represented the public shareholders of Lafarge North America (“LNA”) in challenging the buyout of LNA by its French parent, Lafarge S.A., at \$75.00 per share. After discovery and intensive injunction motions practice, the price per share was increased from \$75.00 to \$85.50 per share, or a total benefit to the public shareholders of \$388 million. The Lafarge court gave Class counsel, including Faruqi & Faruqi, LLP, shared credit with a special committee appointed by the company’s board of directors for a significant portion of the price increase.

Also, in *In re: Hearst-Argyle Shareholder Litig.*, Lead Case No. 09-Civ-600926 (N.Y. Sup. Ct.) as co-lead counsel for plaintiffs, Faruqi & Faruqi, LLP litigated, in coordination with Hearst-Argyle’s special committee, an increase of over 12.5%, or \$8,740,648, from the initial transaction value offered for Hearst-Argyle Television Inc.’s stock by its parent company, Hearst Corporation. Faruqi & Faruqi, LLP, in *In re Alfa Corp. Shareholder Litig.*, Case No. 03-CV-2007-900485.00 (Montgomery Cty, Ala. Cir. Ct.) was instrumental, along with the Company’s special committee, in securing an increased share price for Alfa Corporation shareholders of \$22.00 from the originally-proposed \$17.60 per share offer, which represented over a \$160 million benefit to class members, and obtained additional proxy disclosures to ensure that Alfa



shareholders were fully-informed before making their decision to vote in favor of the merger, or seek appraisal.

Moreover, in *In re Fox Entertainment Group, Inc. S'holders Litig.*, Consolidated C.A. No. 1033-N (Del. Ch. 2005), Faruqi & Faruqi, LLP, as co-lead counsel, and in coordination with Fox Entertainment Group's special committee, created an increased offer price from the original proposal to shareholders, which represented an increased benefit to Fox Entertainment Group, Inc. shareholders of \$450 million. Also, in *In re Howmet Int'l S'holder Litig.*, Consolidated C.A. No. 17575 (Del. Ch. 1999) Faruqi & Faruqi, LLP, in coordination with Howmet's special committee, successfully obtained an increased benefit to class members of \$61.5 million dollars).

Further, in *Brickell Partners v. Emerging Commns., Inc.*, Civil No. 16415 (Del. Ch. 1998) Faruqi & Faruqi, LLP, in its monitoring role as Class counsel achieved a post-trial settlement on behalf of the Class of \$5,596,037.40. After being consolidated with an appraisal hearing, the action was litigated vigorously for over four years, including a six week trial, where Faruqi & Faruqi, LLP in a secondary, monitoring role, represented the Class' interests with primary trial counsel - counsel for the hedge fund Greenlight Capital L.P. After trial the Court returned a verdict in favor of plaintiff. The case established new law and new standards for determining the fiduciary duties of corporate directors, especially directors that have specialized backgrounds (such as, accountants, lawyers, financial experts, etc.). The decision is now reported as *In re Emerging Commns., Inc. S'holders Litig.*, No. 16415, 2004 Del. Ch. LEXIS 70 (Del. Ch., May 3, 2004).

Faruqi & Faruqi, LLP, is committed to bringing novel post-close cases seeking damages as a result of an unfair buyout. Faruqi & Faruqi, LLP has handled a number of high profile cases such as *In re Smurfit-Stone Container Corp. S'holder Litig.*, Consol. C.A. No. 6164-VCP (Del. Ch. March 24, 2011); *In re Cogent S'holder Litig.*, C.A. No. 5780-VCP (Del. Ch. 2010); *In re Massey Energy Co. Derivative and Class Action Litig.*, C.A. No. 5430-CS (Del. Ch. 2010); *In re Novell, Inc. S'holder Litig.*, Consol. C.A. No. 6032-VCN (Del. Ch. 2010); *In re Playboy Enterprises, Inc.*



S'holders Litig., Consol. C.A. No. 5632-VCN (Del. Ch. 2010); *In re MFW S'holder Litig.*, Consol. C.A. No. 6566-CS (Del. Ch. 2011); *In re BJ's Wholesale Club, Inc. S'holders Litig.*, Consol. C.A. No. 6623-VCN (Del. Ch. 2011); *In re Morton's Restaurant Group, Inc. S'holder Litig.*, Consol. C.A. No. 7122-CS (Del. Ch. 2011).

ATTORNEYS

NADEEM FARUQI

Mr. Faruqi is Co-Founder and Managing Partner of the firm. Mr. Faruqi oversees all aspects of the firm's practice areas. Mr. Faruqi has acted as sole lead or co-lead counsel in many notable class or derivative action cases, such as: *In re Olsten Corp. Secs. Litig.*, C.A. No. 97-CV-5056 (E.D.N.Y.) (recovered \$25 million dollars for class members); *In re PurchasePro, Inc., Secs. Litig.*, Master File No. CV-S-01-0483 (D. Nev. 2001) (\$24.2 million dollars recovery on behalf of the class in securities fraud action); *In re Avatex Corp. S'holders Litig.*, C.A. No. 16334-NC (Del. Ch. 1999) (established certain new standards for preferred shareholders rights); *Dennis v. Pronet, Inc.*, C.A. No. 96-06509 (Tex. Dist. Ct.) (recovered over \$15 million dollars on behalf of shareholders); *In re Tellium, Inc. Secs. Litig.*, C.A. No. 02-CV-5878 (D.N.J.) (class action settlement of \$5.5 million); *In re Tenet Healthcare Corp. Derivative Litig.*, Lead Case No. 01098905 (Cal. Sup. Ct. 2002) (achieved a \$51.5 million benefit to the corporation in derivative litigation).

Upon graduation from law school, Mr. Faruqi was associated with a large corporate legal department in New York. In 1988, he became associated with Kaufman Malchman Kirby & Squire, specializing in shareholder litigation, and in 1992, became a member of that firm. While at Kaufman Malchman Kirby & Squire, Mr. Faruqi served as one of the trial counsel for plaintiff in *Gerber v. Computer Assocs. Int'l, Inc.*, 91-CV-3610 (E.D.N.Y. 1991). Mr. Faruqi actively participated in cases such as: *Colaprico v. Sun Microsystems*, No. C-90-20710 (N.D. Cal. 1993)



(recovery in excess of \$5 million on behalf of the shareholder class); *In re Jackpot Secs. Enters., Inc. Secs. Litig.*, CV-S-89-805 (D. Nev. 1993) (recovery in excess of \$3 million on behalf of the shareholder class); *In re Int'l Tech. Corp. Secs. Litig.*, CV 88-440 (C.D. Cal. 1993) (recovery in excess of \$13 million on behalf of the shareholder class); and *In re Triangle Inds., Inc. S'holders Litig.*, C.A. No. 10466 (Del. Ch. 1990) (recovery in excess of \$70 million).

Mr. Faruqi earned his Bachelor of Science Degree from McGill University, Canada (B.Sc. 1981), his Master of Business Administration from the Schulich School of Business, York University, Canada (MBA 1984) and his law degree from New York Law School (J.D., *cum laude*, 1987). Mr. Faruqi was Executive Editor of New York Law School's Journal of International and Comparative Law. He is the author of "Letters of Credit: Doubts As To Their Continued Usefulness," Journal of International and Comparative Law, 1988. He was awarded the Professor Ernst C. Stiefel Award for Excellence in Comparative, Common and Civil Law by New York Law School in 1987.

LUBNA M. FARUQI

Ms. Faruqi is Co-Founder of Faruqi & Faruqi, LLP. Ms. Faruqi is involved in all aspects of the firm's practice. Ms. Faruqi has actively participated in numerous cases in federal and state courts which have resulted in significant recoveries for shareholders.

Ms. Faruqi was involved in litigating the successful recovery of \$25 million to class members in *In re Olsten Corp. Secs. Litig.*, C.A. No. 97-CV-5056 (E.D.N.Y.). She helped to establish certain new standards for preferred shareholders in Delaware in *In re Avatex Corp. S'holders Litig.*, C.A. No. 16334-NC (Del. Ch. 1999). Ms. Faruqi was also lead attorney in *In re Mitcham Indus., Inc. Secs. Litig.*, Master File No. H-98-1244 (S.D. Tex. 1998), where she successfully recovered \$3 million on behalf of class members despite the fact that the corporate defendant was on the verge of declaring bankruptcy.



Upon graduation from law school, Ms. Faruqi worked with the Department of Consumer and Corporate Affairs, Bureau of Anti-Trust, the Federal Government of Canada. In 1987, Ms. Faruqi became associated with Kaufman Malchman Kirby & Squire, specializing in shareholder litigation, where she actively participated in cases such as: *In re Triangle Inds., Inc. S'holders Litig.*, C.A. No. 10466 (Del. Ch. 1990) (recovery in excess of \$70 million); *Kantor v. Zondervan Corp.*, C.A. No. 88 C5425 (W.D. Mich. 1989) (recovery of \$3.75 million on behalf of shareholders); and *In re A.L. Williams Corp. S'holders Litig.*, C.A. No. 10881 (Del. Ch. 1990) (recovery in excess of \$11 million on behalf of shareholders).

Ms. Faruqi graduated from McGill University Law School at the age of twenty-one with two law degrees: Bachelor of Civil Law (B.C.L.) (1980) and a Bachelor of Common Law (L.L.B.) (1981).

DAVID E. BOWER

David E. Bower is Managing Partner of Faruqi & Faruqi, LLP's California office. Mr. Bower has extensive experience in securities class actions, real estate and corporate litigation, and complex commercial litigation matters. Mr. Bower has been in the private practice of law since 1981. Prior to forming his own law firm, Law Offices of David E. Bower, in 1996, Mr. Bower practiced for two years with the law firm Hornberger & Criswell where he supervised and coordinated complex business litigation. From 1989 to 1994, he was a partner with the law firm Rivers & Bower where he handled business, construction, real estate, insurance, and personal injury litigation and business and real estate transactions. From 1984 to 1989, he practiced in the insurance bad faith defense and complex litigation department of the Los Angeles, California based law firm of Gilbert, Kelley, Crowley & Jennett. From 1981 to 1984, he practiced law in New York as a partner with the law firm Boysen, Scheffer & Bower.

Mr. Bower is a graduate of the Mediation Training Program at UCLA and has a certification in Advanced Mediation Techniques. He has presided in over 200 mediations since



becoming certified and is currently on the Los Angeles Superior Court Pay Panel of mediators and arbitrators. He is the past Chairman of the Board of Directors of Mental Health Advocacy Services, a non-profit legal services firm in Los Angeles. He is now the President of the Board of A New Way of Life Reentry Project, a non-profit serving ex-convicts seeking reentry into society as productive citizens.

He graduated from State University of New York (at Buffalo) (B.A. 1977) and received his law degree from the Southwestern University School of Law (J.D. 1981). Mr. Bower is admitted to the bar in California and New York.

JAMES R. BANKO

James R. Banko is a partner in Faruqi & Faruqi's Delaware office. Mr. Banko has substantial practice in complex litigation, including securities and corporate fraud.

Prior to joining the Firm, Mr. Banko practiced law at Grant & Eisenhofer, P.A. where he focused on securities and corporate fraud litigation. Mr. Banko represented sophisticated institutional investors in a high-profile securities fraud class action, *In re Tyco International, Ltd. Securities Litig.*, which resulted in \$3 billion class action settlement and in which Mr. Banko took and defended numerous depositions and wrote class certification, discovery, and summary judgment briefs. Mr. Banko was also involved in the recovery of a successful settlement against a former chief financial officer on behalf of a European fund which included discovery under the Hague Convention. Mr. Banko also took a leading role in several other securities fraud class actions against pharmaceutical companies including briefing of *Daubert* motions. Representative clients included various state attorney generals, pension funds, and securities funds.

Mr. Banko was previously an associate in the litigation department of Curtis, Mallet-Prevost, Colt & Mosle LLP's New York office, where he practiced in all aspects of general civil litigation, including complex commercial, contract, corporate, product liability, and trade secret



cases, including jury trials. Responsibilities included hearings, pleadings, pretrial discovery, motions for summary judgment, motions in limine, argument of substantive and procedural motions in federal and state courts, engaging in settlement negotiations and drafting of agreements.

Mr. Banko received his J.D. from the University of Pennsylvania Law School where he was a Senior Board Member of the Journal of International Business Law. Mr. Banko is admitted, and in good standing, in NY, NJ, PA, DC, DE, FL, and CA as well as numerous United States district courts as well as the 1st, 2d, 3d and 9th Circuits and the U.S. Supreme Court.

JUAN E. MONTEVERDE

Mr. Monteverde is a partner in Faruqi & Faruqi, LLP's New York office and Chair of the firm's Shareholder Merger and Transactional Litigation Department. Mr. Monteverde has concentrated his legal career advocating shareholder rights and has appeared before the Delaware Chancery Court on numerous occasions on behalf of shareholders in mergers and acquisitions class actions.

Before joining Faruqi & Faruqi, LLP, Mr. Monteverde gained extensive experience litigating over 50 mergers and acquisitions class actions from inception to conclusion. In particular, Mr. Monteverde acted as lead counsel or co-lead counsel for shareholders in *In re Bear Stearns Litigation*, Index No. 600780/08 (N.Y. Sup. Ct. 2008) (challenging acquisition of Bear Stearns for \$2.00 per share by JP Morgan, price increased to \$10.00 per share); *Sullivan v. Gorog, et al.*, Case Number BC398258 (Cal. Super. Ct. 2008) (prosecution of preliminary injunction seeking to enjoin tender offer by Best Buy Co. Inc. of Napster, Inc., resulting in post-tender offer settlement for the enlargement of appraisal rights of Napster shareholders); *In re Metavante Shareholder Litigation*, Consolidated Case No. 09-cv-5325 (Wis. Cir. Ct. 2009) (obtained significant supplemental disclosures to shareholders to enable an informed vote regarding the acquisition of Metavante by Fidelity); *In re Candela Corporation Shareholders*



Litigation, Lead Civil Action No. 09-4092-BLS1 (Mass. Sup. Ct. 2009) (obtaining settlement of additional disclosures pertaining to the acquisition of Candela Corporation by Syneron Medical Ltd. and reformation of merger agreement to reduce termination fee by approximately 20%); and *Ubaney v. Rubinstein, et al.*, Civil Action No. 5459-VCL (Del. Ch. Ct. 2010) (obtaining supplemental disclosures in connection with the acquisition of Palm, Inc., including complete disclosure of Palm Inc.'s financial projections and free cash flows for 2010 through 2015).

At Faruqi & Faruqi, LLP, Mr. Monteverde continues to protect shareholder rights. He has acted as lead counsel or co-lead counsel in: *In re Cogent, Inc. Shareholders Litigation*, Consol. C.A. No. 5780-VC (Del. Ch.)(obtaining post-close cash settlement of \$1.9 million after two years of hotly contested litigation); *In re Valeant Pharmaceuticals International Shareholders Litigation*, Consolidated Case No. 5644-VCS (Del. Ch. Ct. 2010) (negotiating significant supplemental disclosures regarding the acquisition of Valeant by Biovail); *In re Cogent Shareholder Litigation*, CA No. 5780-VCP(Del. Ch. Ct. 2010) (prosecuting preliminary injunction as well as continuing to litigate action zealously post-closing of merger) and *McGowan v. ICx Technologies, Inc., et al.*, C.A. No. 1:10CV1013 (E.D. Va. 2010) (achieving a class action settlement for additional disclosures pertaining to the tender offer of ICX Technologies, Inc. and extending the appraisal rights period for ICX Technologies shareholders by 20 days).

Mr. Monteverde has taught a New York CLE course regarding the financial and legal fundamentals underlying the valuation of mergers and acquisitions of publicly traded companies, *Valuations Issues in Mergers and Acquisitions*, October 20, 2010. Mr. Monteverde has also been a panel speaker in the session for "Don't Get Caught in the Past" at the 2011 Corporate Counsel CLE Seminar in Naples, Florida, where he discussed the current corporate governance developments in the mergers and acquisitions law practice and new trends in corporate governance law and practice at the start of the new decade.

Mr. Monteverde graduated from California State University of Northridge (B.S. Finance 2002) and St. Thomas University School of Law (J.D., *cum laude*, 2006). While at St. Thomas



University School of Law, Mr. Monteverde was a staff editor of law review and the president of the law school newspaper. Mr. Monteverde is admitted to practice in the courts of New York, the United States District Court for the Southern District of New York and Eastern District of New York, Eastern District of Wisconsin, District of Colorado and Seventh Circuit for the United States Court of Appeals.

ANTONIO VOZZOLO

Antonio Vozzolo is a partner in Faruqi & Faruqi, LLP's New York office and Chair of the firm's Consumer Fraud Litigation Department. Mr. Vozzolo's practice focuses on representing individuals and institutional investors seeking redress for financial and consumer fraud

Mr. Vozzolo was one of the primary counsel responsible for prosecuting *In re PurchasePro, Inc., Secs. Litig.*, Master File No. CV-S-01-0483 (D. Nev. 2001), a case against the officers and directors of PurchasePro.com as well as AOL Time Warner, Inc., America On-Line, Inc., and Time Warner, Inc., for federal securities laws violations, culminating in a \$24.2 million settlement.

Mr. Vozzolo's other notable cases are *Thomas v. Global Vision Products*, Case No. RG-03091195 (Cal. Super. Ct., Alameda Cty.) (representing certified class of California consumers for false and misleading advertising claims regarding Avacor hair restoration product; \$37 million jury verdict for the first trial, \$50 million jury verdict for separate trial against two of the remaining directors and officers); *In re: HP Power-Plug Litigation*, Case No. 06-1221 (N.D. Cal.) (representing a proposed nationwide class of persons who purchased defective laptops; cash payment up to \$650.00, or in the alternative, a repair free-of-charge); *Delre v. Hewlett-Packard Co.*, C.A. No. 3232-02 (N.J. Super. Ct. 2002) (representing a proposed nationwide class of persons for false and misleading advertising claims regarding capabilities of model 100i DVD writers; recovery included replacement of the 100i writer with upgraded, second generation 200i DVD



writer and a refund of the \$99 defendant had previously charged consumers to upgrade from the 100i to the 200i).

Mr. Vozzolo graduated, *cum laude*, from Fairleigh Dickinson University in 1992 with a Bachelor of Science (B.Sc.), where he was on the Dean's List, and with a Masters in Business Administration (M.B.A.) in 1995. He is a graduate of Brooklyn Law School (J.D. 1998). Mr. Vozzolo served as an intern to the Honorable Ira Gammerman of the New York Supreme Court and the New York Stock Exchange while attending law school.

PETER KOHN

Mr. Kohn is a partner in Faruqi & Faruqi, LLP's Pennsylvania office and Chair of the firm's Antitrust Litigation Department. Prior to joining the firm in 2010, Mr. Kohn was a shareholder at Berger & Montague, P.C. Over the past decade, Mr. Kohn has prepared for trial several noteworthy lawsuits under the Sherman Act, including *In re Buspirone Patent & Antitrust Litigation*, MDL No. 1410 (S.D.N.Y.) (\$220M settlement), *In re Cardizem CD Antitrust Litigation*, No. 99-MD-1278 (E.D. Mich.) (\$110M settlement), *In re Hypodermic Products Antitrust Litigation*, No. 05-1602 (D.N.J.) (\$45M settlement), *Meijer, Inc. v. Warner-Chilcott*, No. 05-2195 (D.D.C.) (\$22M settlement), *Mylan Pharms., Inc. v. Warner Chilcott Public Limited Co., et al.*, No. 12-3824 (E.D. Pa.) (\$15 million settlement); *In re Metoprolol Succinate Antitrust Litigation*, No. 06-52 (D. Del.) (\$20M settlement); *In re Relafen Antitrust Litigation*, No. 01-12239 (D. Mass.) (\$175M settlement), *In re Remeron Direct Purchaser Antitrust Litigation*, No. 03-cv-0085 (D.N.J.) (\$75M settlement), *Rochester Drug Co-Operative, Inc. v. Braintree Labs.*, No. 07-142 (D. Del.) (\$17.25M settlement); *In re Skelaxin Antitrust Litigation*, No. 12-2343 (E.D. Tenn.) (\$73 million settlement); *In re Terazosin Hydrochloride Antitrust Litigation*, No. 99-MDL-1317 (S.D. Fla.) (\$72.5M settlement), *In re Tricor Direct Purchaser Antitrust Litig.*, No. 05-340 (D. Del.) (\$250M settlement), and *In re Wellbutrin XL Antitrust Litigation*, No. 08-cv-2431 (E.D. Pa.) (\$37.5M partial settlement). He has been appointed to leadership positions in several such cases,



including *In re Pennsylvania Title Ins. Antitrust Litig.*, No. 08cv1202 (E.D. Pa.), *Mylan Pharms., Inc. v. Warner Chilcott*, No. 12-cv-3824 (E.D. Pa.), *In re Effexor XR Antitrust Litig.*, No. 11-cv-5479 (D.N.J.), *In re Prandin Antitrust Litig.*, No. 10-12141 (E.D. Mich.), *In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litig.*, No. 13-2445 (E.D. Pa.), *In re Loestrin 24 Fe Antitrust Litig.*, No. 13-2472 (D.R.I.), and *In re Lidoderm Antitrust Litig.*, No. 14-2521 (N.D. Cal.). In addition to monopolization and market allocation cases, Mr. Kohn has prosecuted cases involving resale price maintenance, tying and exclusive dealing. Currently, he is actively preparing several generic pharmaceutical competition cases for trial, including ones concerning the branded drugs Aggrenox, Androgel, Celebrex, Doryx, Effexor, Lidoderm, Lipitor, LoEstrin, Nexium, Niaspan, Opana, Prandin, Provigil, Skelaxin, Solodyn, Suboxone, and Wellbutrin XL, in addition to actions involving tying in the cable television industry and exclusive dealing in the sale of truck transmissions.

A sampling of Mr. Kohn's reported cases in the antitrust arena includes *In re Hypodermic Products Antitrust Litigation*, 484 Fed. Appx. 669 (3d Cir. 2012) (issue of direct purchaser standing under *Illinois Brick*); *Delaware Valley Surgical Supply Inc. v. Johnson & Johnson*, 523 F.3d 1116 (9th Cir. 2008) (issue of direct purchaser standing under *Illinois Brick*); *Babyage.com, Inc. v. Toys "R" Us, Inc.*, 558 F. Supp.2d 575 (E.D. Pa. 2008) (denying defendants' motion to dismiss following the Supreme Court's decisions in *Twombly* and *Leegin*, and for the first time in the Third Circuit adopting the Merger Guidelines method of relevant market definition); *J.B.D.L. Corp. v. Wyeth-Ayerst Laboratories, Inc.*, 485 F.3d 880 (6th Cir. 2007) (affirming summary judgment in exclusionary contracting case); and *Babyage.com, Inc. v. Toys "R" Us, Inc.*, 458 F. Supp.2d 263 (E.D. Pa. 2006) (discoverability of surreptitiously recorded statements prior to deposition of declarant).

Mr. Kohn is a 1989 graduate of the University of Pennsylvania (B.A., English) and a 1992 *cum laude* graduate of Temple University Law School, where he was senior staff for the *Temple Law Review* and received awards for trial advocacy. Mr. Kohn was recognized as a



“recommended” antitrust attorney in the Northeast in 2009 by the Legal 500 guide (www.legal500.com) and was chosen by his peers as a “SuperLawyer” in Pennsylvania in 2009, 2010, 2011, 2012, and 2013. In 2011, Mr. Kohn was selected as a Fellow in the Litigation Counsel of America, a trial lawyer honorary society composed of less than one-half of one percent of American lawyers. He is a member of the bars of the Supreme Court of Pennsylvania (1992-present), the United States District Court for the Eastern District of Pennsylvania (1995-present), the United States District Court for the Eastern District of Michigan (2010-present), the United States Court of Appeals for the Third Circuit (2000-present), the United States Court of Appeals for the Sixth Circuit (2005-present), and the United States Court of Appeals for the Federal Circuit (2011-present).

RICHARD W. GONNELLO

Richard W. Gonnello is a partner in the Firm’s New York office and Chair of the firm’s Securities Fraud Litigation Department. Mr. Gonnello focuses his practice on shareholder litigation and class actions.

Prior to joining the firm, Mr. Gonnello was a partner at Entwistle & Cappucci LLP and an associate at Latham & Watkins LLP. Mr. Gonnello has represented institutional and individual investors in obtaining substantial recoveries in numerous class actions, including *In re Royal Ahold Sec. Litig.*, No. 03-md-01539 (D. Md. 2003) (\$1.1 billion) and *In re Tremont Securities Law, State Law and Insurance Litigation*, No. 08-cv-11117 (S.D.N.Y. 2011) (\$100 million+). Mr. Gonnello has also obtained favorable recoveries for institutional investors pursuing direct securities fraud claims, including cases against *Qwest Communications International, Inc.* (\$175 million+) and *Tyco Int’l Ltd* (\$21 million).

Mr. Gonnello has co-authored the following articles: "*Staeher’ Hikes Burden of Proof to Place Investor on Inquiry Notice*," New York Law Journal, December 15, 2008; and "*Potential Securities Fraud: ‘Storm Warnings’ Clarified*," New York Law Journal, October 23, 2008.



Mr. Gonnello graduated *summa cum laude* from Rutgers University in 1995, where he was named Phi Beta Kappa. He received his law degree from UCLA School of Law (J.D. 1998), and was a member of the UCLA Journal of Environmental Law & Policy.

ADAM R. GONNELLI

Mr. Gonnelli is a partner in Faruqi & Faruqi, LLP's New York office and Chair of the firm's Employment Practices Group.

Since joining Faruqi & Faruqi, Mr. Gonnelli has concentrated his practice on wage and hour litigation, transaction litigation and consumer class actions. Representative cases include *Garcia v. Lowe's, Cos., Inc.*, No. 841120 (Cal. Super. Ct.) (case to recover overtime pay for delivery drivers); *In re NutraQuest, Inc.*, No. 06-202 (D.N.J.) (consumer fraud case against national diet supplement company); *Wanzo v. Nextel Commc'ns, Inc.*, No. GIC 791626 (Cal. Sup. Ct.) (consumer case challenging change in "nights and weekends" plan); *Rice v. Lafarge North America*, No. 268974 (Md. Cir. Ct.) (merger case resulted in a benefit of \$388 million); and *In re Fox Entm't Group, Inc. S'holders Litig.*, No. 1033-N (Del. Ch. 2005) (benefit to shareholders of \$450 million).

Mr. Gonnelli received a B.A. from Rutgers University (Newark) in 1989 and a J.D. from Cornell Law School in 1997. At Rutgers University, Mr. Gonnelli lettered in football and fencing and served as Student Government President. Prior to attending law school, Mr. Gonnelli was a Financial Writer at the Federal Reserve Bank of New York, where he wrote educational materials on international trade and monetary policy. While attending Cornell Law School, Mr. Gonnelli served as Editor-in-Chief of the Cornell Journal of Law and Public Policy and was a member of the Atlantic Regional Championship moot court team in the Jessup International Law Moot Court Competition (1997).



JOSEPH T. LUKENS

Mr. Lukens is a partner in Faruqi & Faruqi, LLP's Pennsylvania office.

Mr. Lukens was a shareholder at the Philadelphia firm of Hangley Aronchick Segal Pudlin & Schiller, where he represented large retail pharmacy chains as opt-out plaintiffs in numerous lawsuits under the Sherman Act. Among those lawsuits were *In re Brand Name Prescription Drugs Antitrust Litigation* (MDL 897, N.D. Ill.), *In re Terazosin Hydrochloride Antitrust Litigation* (MDL 1317, S.D. Fla.), *In re TriCor Direct Purchaser Antitrust Litigation* (05-605, D. Del.), *In re Nifedipine Antitrust Litigation* (MDL1515, D.D.C.), *In re OxyContin Antitrust Litigation* (04-3719, S.D.N.Y), and *In re Chocolate Confectionary Antitrust Litigation* (MDL 1935, M.D. Pa.). While the results in the opt-out cases are confidential, the parallel class actions in those matters which are concluded have resulted in settlements exceeding \$1.1 billion.

Earlier in his career, Mr. Lukens concentrated in commercial and civil rights litigation at the Philadelphia firm of Schnader, Harrison, Segal & Lewis. The types of matters that Mr. Lukens handled included antitrust, First Amendment, contracts, and licensing. Mr. Lukens also worked extensively on several notable *pro bono* cases including *Commonwealth v. Morales*, which resulted in a rare reversal on a second post-conviction petition in a capital case in the Pennsylvania Supreme Court.

Mr. Lukens graduated from LaSalle University (B.A. Political Science, *cum laude*, 1987) and received his law degree from Temple University School of Law (J.D., *magna cum laude*, 1992) where he was an editor on the *Temple Law Review* and received several academic awards. After law school, Mr. Lukens clerked for the Honorable Joseph J. Longobardi, Chief Judge for the United States District Court for the District of Delaware (1992-93). Mr. Lukens is a member of the bars of the Supreme Court of Pennsylvania (1992-present), the United States Supreme Court (1996-present); the United States District Court for the Eastern District of Pennsylvania (1993-present), the United States Court of Appeals for the Third Circuit (1993-present), and the United States Court of Appeals for the District of New Jersey (1994-present).



Mr. Lukens has several publications, including: *Bringing Market Discipline to Pharmaceutical Product Reformulations*, 42 Int'l Rev. Intel. Prop. & Comp. Law 698 (September 2011) (co-author with Steve Shadowen and Keith Leffler); *Anticompetitive Product Changes in the Pharmaceutical Industry*, 41 Rutgers L.J. 1 (2009) (co-author with Steve Shadowen and Keith Leffler); *The Prison Litigation Reform Act: Three Strikes and You're Out of Court — It May Be Effective, But Is It Constitutional?*, 70 Temp. L. Rev. 471 (1997); *Pennsylvania Strips The Inventory Search Exception From Its Rationale – Commonwealth v. Nace*, 64 Temp. L. Rev. 267 (1991).

NEILL CLARK

Mr. Clark is an associate in Faruqi and Faruqi, LLP's Pennsylvania office and practices in the antitrust litigation department. Before joining the firm, Mr. Clark was an associate at Berger & Montague, P.C. where he was significantly involved in prosecuting antitrust class actions on behalf of direct purchasers of brand name drugs and charging pharmaceutical manufacturers with illegally blocking the market entry of less expensive competitors.

Eight of those cases have resulted in substantial settlements totaling over \$950 million: *In re Cardizem CD Antitrust Litig.* settled in November 2002 for \$110 million; *In re Buspirone Antitrust Litig.* settled in April 2003 for \$220 million; *In re Relafen Antitrust Litig.* settled in February 2004 for \$175 million; *In re Platinol Antitrust Litig.* settled in November 2004 for \$50 million; *In re Terazosin Antitrust Litig.* settled in April 2005 for \$75 million; *In re Remeron Antitrust Litig.* settled in November 2005 for \$75 million; *In re Ovcon Antitrust Litig.* settled in 2009 for \$22 million; and *In re Tricor Direct Purchaser Antitrust Litig.* settled in April 2009 for \$250 million.

Mr. Clark was also principally involved in a case alleging a conspiracy among hospitals and the Arizona Hospital and Healthcare Association to depress the compensation of per diem



and traveling nurses, *Johnson et al. v. Arizona Hospital and Healthcare Association et al.*, No. CV07-1292 (D. Ariz.).

Mr. Clark was selected as a "Rising Star" by Pennsylvania Super Lawyers and listed as one of the Top Young Lawyers in Pennsylvania in the December 2005 edition of Philadelphia Magazine. Two cases in which he has been significantly involved have been featured as "Noteworthy Cases" in the NATIONAL LAW JOURNAL articles, "The Plaintiffs' Hot List" (*In re Tricor Antitrust Litig.* October 5, 2009 and *Johnson v. Arizona Hosp. and Healthcare Ass'n.*, October 3, 2011).

Mr. Clark graduated cum laude from Appalachian State University in 1994 and from Temple University Beasley School of Law in 1998, where he earned seven "distinguished class performance" awards, an oral advocacy award and a "best paper" award.

RICHARD SCHWARTZ

Richard Schwartz is an associate in Faruqi & Faruqi, LLP's Pennsylvania office. Mr. Schwartz has been involved extensively in the firm's antitrust, merger, and derivative practice areas. Presently, Mr. Schwartz is a member of the teams prosecuting *In re Blood Reagents Antitrust Litig.* and *In re Hypodermic Products Antitrust Litigation.*

Mr. Schwartz graduated from the University of Washington (B.A.) and the University of Chicago (J.D.). While in law school, Mr. Schwartz served as a law clerk at the MacArthur Justice Center in Chicago and as a summer associate with the Chicago law firm Robinson Curley & Clayton P.C. Since law school, Mr. Schwartz has been a commercial litigator in New York and Pennsylvania.

Mr. Schwartz is a member of the bars of the State of New York (2005-present), Commonwealth of Pennsylvania (2010-present), the United States District Court for the Southern District of New York (2006-present), the United States District Court for the Eastern District of New York (2007-present), the United States District Court for the Northern District of



New York (2008-present), the United States Court of Appeals for the Second Circuit (2010-present), the United States District Court for the Eastern District of Pennsylvania (2011-present) and the United States Court of Appeals for the Third Circuit (2011-present).

BARBARA A. ROHR

Barbara A. Rohr is an associate in Faruqi & Faruqi, LLP's California office.

Prior to joining Faruqi & Faruqi, Ms. Rohr practiced civil and employment litigation at Walsh & Associates, APC, and for the City of Los Angeles. Ms. Rohr also gained valuable work experience as a human resources professional in the entertainment industry for six years before attending law school.

Ms. Rohr graduated from Southwestern Law School (J.D., 2010) and Arizona State University (B.A., Psychology and Broadcast Journalism, 1996). In 2010, Ms. Rohr was recognized for earning the highest grade in Sales at Southwestern Law School and received the Los Angeles County Bar Association's Jeffrey S. Turner Outstanding Commercial Law Student award.

Ms. Rohr is licensed to practice law in California and is admitted to practice before the United States District Courts for the Central, Northern, Southern, and Eastern Districts of California.

SARAH A. WESTBY

Sarah A. Westby was an associate in the New York office of Faruqi & Faruqi, LLP and concentrates her practice in the area of antitrust class action litigation. Ms. Westby graduated Phi Beta Kappa from the University of Delaware (B.A. in Psychology, *magna cum laude*, 2008) and Brooklyn Law School (J.D., *cum laude*, 2011).

While at Brooklyn Law School, Ms. Westby was an Executive Editor of the Brooklyn Journal of International Law. Her note on comparative consumer class action law was selected as the winning submission in the 2010 Trandafir International Business Writing Competition



and was published in the University of Iowa Journal of Transnational Law & Contemporary Problems. She also received awards in Trial Advocacy and International Economic Law. Ms. Westby gained experience during law school through internships for U.S. Magistrate Judge Ramon E. Reyes, Jr. in the U.S. District Court for the Eastern District of New York, the U.S. Department of Justice, Civil Rights Division, the New York City Law Department and as a law clerk for an antitrust and consumer class action firm.

Ms. Westby is licensed to practice law in New York.

MEGAN SULLIVAN

Megan Sullivan is an associate in the New York office of Faruqi & Faruqi, LLP and concentrates her practice in the area of securities class action litigation.

Prior to joining the firm, Ms. Sullivan was a litigation associate at Crosby & Higgins LLP where she represented institutional and individual investors in securities arbitrations before FINRA and counseled corporate clients in commercial disputes in federal court. Additionally, Ms. Sullivan gained further litigation experience in law school through internships at the Kings County District Attorney's Office and the Adjudication Division of the New York City Department of Consumer Affairs.

Ms. Sullivan graduated from the University of California, Los Angeles (B.A., History, 2008) and from Brooklyn Law School (J.D., *cum laude*, 2011). While at Brooklyn Law School, Ms. Sullivan served as Associate Managing Editor of the Brooklyn Journal of Corporate, Financial and Commercial Law. Ms. Sullivan is licensed to practice law in the State of New York.

ELIZABETH SILVA

Elizabeth A. Silva is an associate in the New York office of Faruqi & Faruqi, LLP and concentrates her practice in the area of antitrust class action litigation.



Ms. Silva graduated *in corsu honorum* from Fordham University (B.A. in Comparative Literature and Italian Studies, *cum laude*, 2009) and New York Law School (J.D., *magna cum laude*, 2012). While in law school, Ms. Silva served as a Notes and Comments Editor of the New York Law School Law Review and was an associate in the Institute for Information Law and Policy. Prior to joining the firm, Ms. Silva was a litigation associate at Crosby & Higgins LLP where she aided in representing institutional and individual investors in securities arbitrations before FINRA and counseled corporate clients in a variety of intellectual property and complex commercial disputes in federal court. Additionally, Ms. Silva gained further litigation experience in law school through internships at the Kings County District Attorney's Office and as a law clerk at a criminal defense firm.

Ms. Silva is licensed to practice law in the State of New York.

MILES D. SCHREINER

Miles Schreiner is an associate in the New York office of Faruqi & Faruqi, LLP and focuses his practice on consumer class action litigation.

Mr. Schreiner graduated from Tulane University (B.A. in Political Science, *cum laude*, 2007) and Brooklyn Law School (J.D., *cum laude*, 2012). While at Brooklyn Law School, Mr. Schreiner was a Dean's Merit Scholar and served as the Production Editor of the Brooklyn Law Review. His note, "A Deadly Combination: The Legal Response to America's Prescription Drug Epidemic," was selected as the winning submission in the 2012 American College of Legal Medicine Student Writing Competition and was published in Volume 33, Issue 4 of the Journal of Legal Medicine.

Prior to joining the firm, Mr. Schreiner gained experience in complex litigation as an associate at a New York City firm that represents plaintiffs in civil RICO actions. While in law school, Mr. Schreiner developed practical skills through internships with the Kings County



Supreme Court Law Department, the Office of General Counsel at a major New York hospital, and a boutique law firm that specializes in international fraud cases.

Mr. Schreiner is licensed to practice law in New York and New Jersey.

STEPHEN E. CONNOLLY

Mr. Connolly was an associate in Faruqi & Faruqi, LLP's Pennsylvania office. Mr. Connolly joined Faruqi & Faruqi, LLP as an associate of the firm in the beginning of 2008.

Mr. Connolly has focused his career as an attorney in the areas of complex commercial litigation, including class action securities fraud and antitrust litigation.

He received his law degree for the Villanova University School of Law (J.D. 2000) and received a Bachelor of Science from Penn State University (1997).

A. LUKE SMITH

A. Luke Smith was an associate in Faruqi & Faruqi, LLP's Pennsylvania office. He focused his practice on antitrust actions, primarily on behalf of drug purchasers complaining of suppressed generic competition.

Mr. Smith earned his J.D. in May of 2010 from Pennsylvania State University Dickinson School of Law. As a law student, Mr. Smith was certified as a Miller Center Public Interest Advocate in recognition of his service to the indigent community and also competed in the American Constitution Society Constance Baker Motley National Moot Court Competition. He earned a degree in Business Management from Cheyney University of Pennsylvania in May 2007 (*summa cum laude*).

During law school, Mr. Smith was a student attorney at the Penn State Dickinson School of Law Family Law Clinic, and a judicial intern for the Honorable Joseph A. Greenaway, then of the United States District Court for the District of New Jersey. He also interned at the New



Jersey Office of the Public Defender, and at the Pennsylvania Attorney General, Bureau of Consumer Protection.

Mr. Smith is licensed to practice in Pennsylvania and New Jersey and admitted to the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey.

DAVID H. LEVENTHAL

Mr. Leventhal was a partner in Faruqi & Faruqi, LLP's New York office. Mr. Leventhal joined Faruqi & Faruqi, LLP in 2003, and in 2006 became a partner in the firm. At Faruqi & Faruqi, LLP, Mr. Leventhal concentrates in securities, consumer, and antitrust class actions as well as derivative actions. Recently, as leader for sole class counsel for plaintiffs in *Kajaria v. Cohen*, No. 1:10-CV-03141 (N.D. Ga., Atlanta Div.), Mr. Leventhal succeeded in having the district court order Bluelix Holdings Inc., the target company in a tender offer, to make additional material disclosures to its recommendation statement to shareholders before the expiration of the tender offer. Also, in *In re: Hearst-Argyle Shareholder Litig.*, Lead Case No. 09-Civ-600926 (N.Y. Sup. Ct.) Mr. Leventhal, part of co-lead counsel for plaintiffs, litigated, in coordination with Heart-Argyle's special committee, an increase of over 12.5%, or \$8,740,648, from the initial transaction value offered for Hearst-Argyle Television Inc.'s stock by its parent company, Hearst Corporation.

Mr. Leventhal has actively and successfully reached settlements requiring companies to make significant and meaningful disclosures to shareholders in connection with going private transactions in actions such as *In re Direct General Corp. Derivative Litig.*, No. 05-0158 (M.D. Tenn.); *In re Vans Derivative Litig.*, No. BC309805 (Cal. Super. Ct.); *Gerber v. Freescale Semiconductor, Inc.*, No. D-GN-06-003501 (Tex. Dist. Ct. 98th Jud. Dist.); *Schuman v. CDW Corp.*, No. 07CH1416 (Ill. Cir. Ct.).



Mr. Leventhal was responsible for settlements in *In re: Wireless Facilities Inc. Derivative Litig.*, No. 04-CV-01663 (S.D. Cal.) (derivative action alleged improper backdating of stock options and breaches of fiduciary duties by certain officer and directors of the company settled for the forfeit of certain defendants' stock options as well extensive and wide ranging corporate governance reforms); *Schachter v. Toback*, No. 04 CH 09131 (Ill. Cir. Ct.) (derivative action alleging breach of fiduciary duties by certain officers and directors of the company, settled for modifications to composition of company's management and significant corporate governance reforms); *McCoon v. Wiederhorn*, No. 0407-6900 (Or. Cir. Ct.) (same); *Collet v. Moore*, No. 04CC07844 (Cal. Super. Ct.) (same); and *In re Nutraquest, Inc.*, No. 06-202 (D.N.J.) (alleged misrepresentations made in connection with sale of dietary supplement, settled for \$15 million). He is currently actively involved in litigating *In re Digital Music Antitrust Litig.*, MDL No. 1780 (S.D.N.Y.) (case pending against major record companies alleging antitrust violations in connection with the sale of digital music).

Mr. Leventhal graduated from University of Michigan, Ann Arbor (A.B. 1990, with distinction) and from Fordham University School of Law (J.D. 1993). At Fordham, Mr. Leventhal was a member of the Fordham University International Law Journal and was on the Dean's List.

Mr. Leventhal served as a panelist at the 2009 PLI program, Securities Litigation & Enforcement.