

EXHIBIT 28

1 *Counsel for Indirect Purchaser Plaintiffs*

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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OAKLAND DIVISION

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**IN RE: LITHIUM ION BATTERIES
ANTITRUST LITIGATION**

Case No. 13-MD-02420 YGR (DMR)

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MDL NO. 2420

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**DECLARATION OF PEGGY
WEDGWORTH IN SUPPORT OF
INDIRECT PURCHASER PLAINTIFFS'
MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES ON
BEHALF OF MILBERG LLP**

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This Document Relates to:

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ALL INDIRECT PURCHASER ACTIONS

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1 I, Peggy Wedgworth, declare:

2 1. I am Peggy Wedgworth of Milberg LLP, Counsel for Indirect Purchaser Plaintiffs
3 (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of IPPs’ Motion for an
4 Award of Attorneys’ Fees and Reimbursement of Expenses. I make this declaration based on my
5 personal knowledge and if called as a witness, I could and would competently testify to the
6 matters stated herein.

7 2. My firm has served as counsel to Valentina Juncaj and as counsel for IPPs
8 throughout the course of this litigation. The background and experience of Milberg LLP and its
9 attorneys are summarized in the curriculum vitae attached hereto as **Exhibit A**.

10 3. Milberg LLP has prosecuted this litigation solely on a contingent-fee basis, and has
11 been at risk that it would not receive any compensation for prosecuting claims against the
12 defendants. While Milberg LLP devoted its time and resources to this matter, it has foregone other
13 legal work for which it would have been compensated.

14 4. During the pendency of the litigation, Milberg LLP performed the following work:
15 responding to initial and supplemental discovery requests on behalf of our client and the class,
16 corresponding and coordinating with co-counsel and our client regarding discovery obligations,
17 and preparing our client for a potential deposition.

18 5. Attached hereto as **Exhibit B** is a billing summary of Milberg LLP’s total hours
19 and lodestar, computed at current billing rates, from June 1, 2013 to February 28, 2017. Counsel
20 for Plaintiffs are not seeking attorneys’ fees for any time billed prior to the appointment of lead
21 counsel. *See* Order dated May 17, 2013 (ECF No. 194). The total number of hours spent by
22 Milberg LLP during this period of time was 42.8, with a corresponding lodestar based on current
23 rates of \$15,187.50. The lodestar amount reflected in Exhibit B is for work assigned by Lead
24 Counsel, and was performed by professional staff at my law firm. This summary was prepared
25 from contemporaneous, daily time records regularly prepared and maintained by Milberg LLP.

26 6. Attached hereto as **Exhibit C** is a list of the various billing rates each attorney and
27 staff member at my firm has billed at in this case.

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DECLARATION OF PEGGY WEDGWORTH IN SUPPORT OF IPPS’ MOTION FOR AN
AWARD OF ATTORNEYS’ FEES AND REIMBURSEMENT OF EXPENSES ON BEHALF
OF MILBERG LLP; Case No. 13-md-02420-YGR (DMR)

EXHIBIT A



THE FIRM'S PRACTICE AND ACHIEVEMENTS

Milberg LLP, founded in 1965, was one of the first law firms to prosecute class actions in federal courts on behalf of investors and consumers. The Firm pioneered this type of litigation and is widely recognized as a leader in defending the rights of victims of corporate and other large-scale wrongdoing. The Firm's practice focuses on the prosecution of class and complex actions in many fields, including securities, corporate fiduciary, ERISA, consumer, False Claims Act, antitrust, bankruptcy, mass tort, and human rights litigation. The Firm has offices in New York City, Los Angeles, and Detroit.

In its early years, the Firm built a new area of legal practice in representing shareholder interests under the then recently amended Rule 23 of the Federal Rules of Civil Procedure, which allowed securities fraud cases, among others, to proceed as class actions. In the following decades, the Firm obtained decisions establishing important legal precedents in many of its areas of practice and prosecuted cases that set benchmarks in terms of case theories, organization, discovery, trial results, methods of settlement, and amounts recovered and distributed to clients and class members.

Important milestones in the Firm's early years include the Firm's involvement in the *U.S. Financial* litigation in the early 1970s, one of the earliest large class actions, which resulted in a \$50 million recovery for purchasers of the securities of a failed real estate development company; the Ninth Circuit decision in *Blackie v. Barrack* in 1975, which established the fraud-on-the-market doctrine for securities fraud actions; the Firm's co-lead counsel position in the *In re Washington Public Power Supply System Securities Litigation*, a seminal securities fraud action in the 1980s in terms of complexity and amounts recovered; the representation of the Federal Deposit Insurance Corporation in a year-long trial to recover banking losses from a major accounting firm, leading to a precedent-setting global settlement; attacking the Drexel-Milken "daisy chain" of illicit junk-bond financing arrangements with numerous cases that resulted in substantial recoveries for investors; representing life insurance policyholders defrauded by "vanishing premium" and other improper sales tactics and obtaining large recoveries from industry participants; and ground-breaking roles in the multi-front attack on deception and other improper activities in the tobacco industry.

Milberg remains at the forefront in its areas of practice. Significant litigation results include: *In re Vivendi Universal, S.A. Securities Litigation* (jury verdict for plaintiff class in January 2010; final judgments now on appeal); *In re Tyco International, Ltd. Securities Litigation* (\$3.2 billion settlement); *In re Nortel Networks Corp. Securities Litigation* (settlement for cash and stock valued at \$1.142 billion); *In re Lucent Technologies, Inc. Securities Litigation* (\$600 million recovery); *In re Raytheon Co. Securities Litigation* (\$460 million recovery); *In re Managed Care Litigation* (recoveries over \$1 billion and major changes in HMO practices); the *In re Washington Public Power Supply System Securities Litigation* (settlements totaling \$775 million), and the *In re NASDAQ Market-Makers Antitrust Litigation* (\$1 billion in recoveries). Milberg has been responsible for recoveries valued at approximately \$55 billion during the life of the Firm.

The Firm's lawyers come from many different professional backgrounds. They include prosecutors, private defense attorneys, and government lawyers. The Firm's ability to pursue claims against defendants is augmented by its investigators, headed by a 27-year veteran of the Federal Bureau of Investigation. The Firm is regularly recognized as one of the nation's leading plaintiffs' law firms by the *National Law Journal*, *Legal 500*, *Chambers USA*, and *Super Lawyers*, among others.

For more information, please visit www.milberg.com.



JUDICIAL COMMENDATIONS

Milberg has been commended by countless judges throughout the country for the quality of its representation.

Milberg partners played leading roles in representing class plaintiffs in a nearly four-month jury trial in *In re Vivendi Universal, S.A. Securities Litigation*, No. 02-5571 (S.D.N.Y.), which in January 2010 resulted in a jury verdict for an international class of defrauded investors (aggregate value of over \$9 billion, but class was vastly reduced when subsequent caselaw excluded foreign claimants from coverage of securities statutes; final judgments now on appeal). At the close of the trial, Judge Richard Holwell commented:

I can only say that this is by far the best tried case that I have had in my time on the bench. I don't think either side could have tried the case better than these counsel have.

In approving a \$3.2 billion securities fraud settlement, one of the largest in history, in *In re Tyco International, Ltd. Securities Litigation*, 535 F. Supp. 2d 249, 270 (D.N.H. 2007), Judge Barbadoro lauded Milberg's efforts as co-lead counsel:

This was an extraordinarily complex and hard-fought case. Co-Lead Counsel put massive resources and effort into the case for five long years, accumulating [millions of dollars in expenses] and expending [hundreds of thousands of hours] on a wholly contingent basis. But for Co-Lead Counsel's enormous expenditure of time, money, and effort, they would not have been able to negotiate an end result so favorable for the class. . . . Lead Counsel's continued, dogged effort over the past five years is a major reason for the magnitude of the recovery. . . .

In *Simon v. KPMG LLP*, No. 05-3189, 2006 U.S. Dist. LEXIS 35943, at *18, 30-31 (D.N.J. June 2, 2006), a case in which Milberg served as class counsel, Judge Cavanaugh, in approving the \$153 million settlement, found that "Plaintiffs . . . retained highly competent and qualified attorneys" and that "[t]he Initial Complaint . . . demonstrates that [Milberg] expended considerable time and effort with the underlying factual and legal issues in this case before even filing this lawsuit. . . . Settlement discussions were conducted over a period of some fourteen months with the supervision and guidance of Judges Politan and Weinstein, and are evidence of [Milberg's] appreciation of the merits and complexity of this litigation."

In *In re Lucent Technologies, Inc. Securities Litigation*, 307 F. Supp. 2d 633, 641-47 (D.N.J. 2004), Judge Pisano issued an opinion approving the \$600 million settlement and complimenting Milberg's work as co-lead counsel for the class as follows:

[T]he attorneys representing the Plaintiffs are highly experienced in securities class action litigation and have successfully prosecuted numerous class actions throughout the United States. They are more than competent to conduct this action. Co-Lead Counsel diligently and aggressively represented the Plaintiffs before this Court and in the negotiations that resulted in the Settlement. . . . [T]he efforts and ingenuity of Lead Plaintiffs and Lead Counsel resulted in an extremely valuable Settlement for the Benefit of the Class.

In *In re Rite Aid Corp. Securities Litigation*, 269 F. Supp. 2d 603, 611 (E.D. Pa. 2003), Judge Dalzell commented on the skill and efficiency of the Milberg attorneys litigating this complex case:

At the risk of belaboring the obvious, we pause to say a specific word about . . . the skill and efficiency of the attorneys involved. [Milberg was] extraordinarily deft and efficient in handling this most complex matter. [T]hey were at least eighteen months ahead of the United States Department of Justice in ferreting out the conduct that ultimately resulted in the write-down of over \$1.6 billion in previously reported Rite Aid earnings. . . . In short, it would be hard to equal the skill class counsel demonstrated here.



In *In re IKON Office Solutions, Inc. Securities Litigation*, 194 F.R.D. 166, 195 (E.D. Pa. 2000), Judge Katz commented on Milberg's skill and professionalism as one of plaintiffs' co-lead counsel:

First, class counsel is of high caliber and has extensive experience in similar class action litigation. . . . Each of the co-lead counsel firms has a national reputation for advocacy in securities class actions, and there is no doubt that this standing enhanced their ability both to prosecute the case effectively and to negotiate credibly. . . .

Of particular note in assessing the quality of representation is the professionalism with which all parties comported themselves. The submissions were of consistently high quality, and class counsel has been notably diligent in preparing filings in a timely manner even when under tight deadlines. This professionalism was also displayed in class counsel's willingness to cooperate with other counsel when appropriate. . . . This cooperation enabled the parties to focus their disputes on the issues that mattered most and to avoid pointless bickering over more minor matters.

In *In re NASDAQ Market-Makers Antitrust Litigation*, 187 F.R.D. 465, 474 (S.D.N.Y. 1998), in an opinion approving settlements totaling over \$1.027 billion, Judge Sweet commented:

Counsel for the Plaintiffs are preeminent in the field of class action litigation, and the roster of counsel for Defendants includes some of the largest, most successful and well regarded law firms in the country. It is difficult to conceive of better representation than the parties to this action achieved.

Judicial recognition of Milberg's excellence is not limited to courts within the United States. In *In re Flag Telecom Holdings, Ltd. Securities Litigation*, No. 02-3400 (S.D.N.Y. 2009), Milberg litigated a discovery dispute before the English Royal High Court of Justice, Queens Bench Division, which recognized the Milberg attorney handling the matter as a "Grade A" lawyer and a "vital cog in the machine." Likewise, in *Sharma v. Timminco Ltd.*, 09-378701 (Can. Ont. Sup. Ct. 2009), Canada's Ontario Superior Court of Justice recognized Milberg's "fine reputation and excellent credentials" in connection with Milberg's representation in a securities case pending in Canada.

Milberg has also been recognized for its commitment to public service. In lauding Milberg's work representing victims of the September 11th attack on the World Trade Center in connection with the September 11 Victims Compensation Fund, Special Master Kenneth R. Feinberg stated the following:

Once again, as I have learned over the years here in New York, the [Milberg] firm steps up to the plate in the public interest time and time again. The social conscience of the [Milberg] firm, acting through its excellent associates and partners, help deal with crises that confront the American people and others, and I am personally in the debt of Milberg . . . for the work that it is doing [T]hey are second among none in terms of the public interest, and I'm very, very grateful, not only to you guys for doing this, but . . . for the firm's willingness to help out. I wanted to let everybody know that.

In re September 11 Victim Compensation Fund, Preliminary Hearing, Claim No. 212-003658 (Dec. 9, 2003).



NOTEWORTHY RESULTS

The quality of Milberg's representation is further evidenced by the Firm's numerous significant recoveries, some of which are described below.

- ***In re Chase Bank USA, N.A. "Check Loan" Contract Litig.***, No. 09-2032 (N.D. Cal.). Milberg served on the Executive Committee representing the class in this action against JP Morgan Chase & Co. The complaint alleged that Chase improperly increased by 150% the minimum monthly payment requirement for customers who entered into balance transfer loans with "fixed" interest rates that were guaranteed to remain so for the "life of the loan." Milberg and its co-counsel, achieved a \$100 million settlement for the class.
- In ***In re Vivendi Universal, S.A. Securities Litigation***, No. 02-5571 (S.D.N.Y.), Milberg lawyers were instrumental in obtaining a jury verdict for a class of defrauded investors after a trial lasting nearly four months. The jury found Vivendi liable for 57 false or misleading class period statements. Final judgments in the case are now on appeal.
- ***Mason v. Medline***, No. 07-05615 (N.D. Ill.). Milberg successfully represented a healthcare worker in a False Claims Act case against his former employer, Medline Industries, Inc., one of the nation's largest suppliers of medical and surgical products, along with its charitable arm, The Medline Foundation. The suit alleged that Medline engaged in a widespread illegal kickback scheme targeting hospitals and other healthcare providers that purchase medical products paid for by federal healthcare programs. Although a party to the settlement agreement, the U.S. Department of Justice chose not to intervene in the lawsuit. Milberg pursued the case on a non-intervened basis and recovered \$85 million on behalf of the federal government -- one of the largest settlements of a False Claims Act case in which the government declined to intervene. The whistleblower was awarded 27.5% of the proceeds.
- ***Blessing v. Sirius XM Radio, Inc.***, No. 09-10035 (S.D.N.Y.). This antitrust case stemmed from the 2008 merger of Sirius Satellite Radio, Inc. and XM Satellite Holdings, Inc. that created Sirius XM, the nation's only satellite radio company. The plaintiffs alleged that the merger of the only two U.S. satellite radio providers was an illegal move to eliminate competition and monopolize the satellite radio market. Before the merger, Sirius CEO Mel Karmazin convinced regulators not to block the deal by promising that "the combined company will not raise prices" and that the merger would actually result in "lower prices and more choice for the consumer." After the merger, Sirius quickly reversed course, raised prices by 15-40%, and eliminated multiple radio stations. Milberg achieved a settlement for the class valued at \$180 million.
- ***In re Initial Public Offering Securities Litigation***, No. 21-92 (S.D.N.Y.). Milberg represented investors in 310 consolidated securities actions arising from an alleged market manipulation scheme. Plaintiffs alleged, among other things, that approximately 55 defendant investment banks, in dealing with certain of their clients, conditioned certain allocations of shares in initial public offerings on the subsequent purchase of more shares in the aftermarket, thus artificially boosting the prices of the subject securities. This fraudulent scheme, plaintiffs alleged, was a major contributing factor in the now infamous technology "bubble" of the late 1990s and early 2000s. As a member of the court-appointed Plaintiffs' Executive Committee, and with certain partners appointed by the court as liaison counsel, Milberg oversaw the efforts of approximately 60 plaintiffs' firms in combating some of the most well-respected defense firms in the nation. In granting final approval to a \$586 million settlement on October 5, 2009, the court described the law firms comprising the Plaintiffs' Executive Committee as the "cream of the crop."



- *Carlson v. Xerox*, No. 00-1621 (D. Conn). Milberg served as co-lead counsel in this lawsuit, which consolidated 21 related cases alleging violations of the federal securities laws. Plaintiffs alleged that Xerox and several of its top officers reported false financial results during the class period and failed to adhere to the standard accounting practices the company claimed to have followed. In the course of litigating plaintiffs' claims, Milberg engaged in arduous and exhaustive factual discovery, including review and analysis of more than four million pages of complex accounting and auditing documents and thousands of pages of SEC deposition transcripts. Plaintiffs' claims survived three motions to dismiss and a motion for summary judgment, ultimately resulting in a \$750 million settlement, which received final approval on January 14, 2009.
- *In re Tyco International Ltd., Securities Litigation*, MDL 1335 (D.N.H.). Milberg served as co-lead counsel in this litigation, which involved claims under the Securities Act of 1933 and the Securities Exchange Act of 1934 against Tyco and its former CEO, CFO, general counsel, and certain former directors arising out of allegations of Tyco's \$5.8 billion overstatement of income and \$900 million in insider trading, plus hundreds of millions of dollars looted by insiders motivated to commit the fraud. Plaintiffs also asserted claims under the 1933 and 1934 Acts against PricewaterhouseCoopers LLP for allegedly publishing false audit opinions on Tyco's financial statements during the class period and failing to audit Tyco properly, despite knowledge of the fraud. On December 19, 2007, the court approved a \$3.2 billion settlement of the plaintiffs' claims and praised the work of co-lead counsel.
- *In re Sears, Roebuck & Co. Securities Litigation*, No. 02-7527 (N.D. Ill.). This case involved allegations that Sears concealed material adverse information concerning the financial condition, performance, and prospects of Sears' credit card operations, resulting in an artificially inflated stock price. The approved settlement provided \$215 million to compensate class members.
- *In re General Electric Co. ERISA Litigation*, No. 04-1398 (N.D.N.Y.). This ERISA class action was brought on behalf of current and former participants and beneficiaries of the General Electric ("G.E.") 401(k) Plan. Milberg, serving as co-lead counsel, achieved a \$40 million settlement on behalf of current and former G.E. employees who claimed that the company's 401(k) Plan fiduciaries imprudently invested more than two-thirds of the Plan's assets in company stock. The settlement included important structural changes to G.E.'s 401(k) plan valued at more than \$100 million.
- *In re Biovail Corp. Securities Litigation*, No. 03-8917 (S.D.N.Y.). Milberg, representing Local 282 Welfare Trust Fund and serving as co-lead counsel, litigated this complex securities class action brought on behalf of a class of defrauded investors, alleging that defendants made a series of materially false and misleading statements concerning Canadian company Biovail's publicly reported financial results and the company's then new hypertension/blood pressure drug, Cardizem LA. This was a highly complex case in which counsel took numerous depositions across the U.S. and Canada and obtained documents from defendants and several third-parties, including, among others, UBS, McKinsey & Co., and Merrill Lynch. Milberg obtained a \$138 million settlement for the class, and Biovail agreed to institute significant corporate governance changes.
- *In re Nortel Networks Corp. Securities Litigation*, No. 01-1855 (S.D.N.Y.). In this federal securities fraud class action, Milberg served as lead counsel for the class and the court-appointed lead plaintiff, the Trustees of the Ontario Public Service Employees' Union Pension Plan Trust Fund. In certifying the class, the court specifically rejected the defendants' argument that those who traded in Nortel securities on the Toronto Stock Exchange (and not the New York Stock Exchange) should be excluded from the class. The Second Circuit denied the defendants' attempted appeal. On January 29, 2007, the court approved a settlement valued at \$1.142 billion.
- *In re American Express Financial Advisors Securities Litigation*, No. 04-1773 (S.D.N.Y.).



This case involved allegations that American Express Financial Advisors violated securities laws by representing to class members that the company would provide tailored financial advice, when the company actually provided “canned” financial plans and advice designed to steer clients into American Express and certain nonproprietary mutual funds. The case settled for \$100 million, with the settlement agreement requiring that the company institute remedial measures.

- ***In re Lucent Technologies, Inc. Securities Litigation***, No. 00-621 (D.N.J.). In this federal securities fraud action in which Milberg served as co-lead counsel, plaintiffs alleged, *inter alia*, that Lucent and its senior officers misrepresented the demand for Lucent’s optical networking products and improperly recognized hundreds of millions of dollars in revenues. The settlement provided compensation of \$600 million to aggrieved shareholders who purchased Lucent stock between October 1999 and December 2000.
- ***In re Raytheon Co. Securities Litigation***, No. 99-12142 (D. Mass.). This case, in which Milberg served as lead counsel, concerned claims that a major defense contractor failed to write down assets adequately on long term construction contracts. In May 2004, Raytheon and its auditor, PricewaterhouseCoopers LLP, settled for a total of \$460 million.
- In ***In re Rite Aid Corp. Securities Litigation***, No. 99-1349 (E.D. Pa.), in which Milberg served as co-lead counsel, the plaintiffs asserted federal securities fraud claims arising out of allegations that Rite Aid failed to disclose material problems with its store expansion and modernization program, resulting in artificially inflated earnings. Judge Dalzell approved class action settlements totaling \$334 million against Rite Aid (\$207 million), KPMG (\$125 million), and certain former executives of Rite Aid (\$1.6 million).
- In ***In re CMS Energy Corp. Securities Litigation***, No. 02-72004 (E.D. Mich.), a federal securities fraud case arising out of alleged round-trip trading practices by CMS Energy Corporation, Judge Steeh approved a cash settlement of more than \$200 million. Milberg served as co-lead counsel in this litigation.
- ***In re Deutsche Telekom AG Securities Litigation***, No. 00-9475 (S.D.N.Y.). Milberg served as co-lead counsel in this securities class action alleging that Deutsche Telekom issued a false and misleading registration statement, which improperly failed to disclose its plans to acquire VoiceStream Wireless Corporation and materially overstated the value of the company’s real estate assets. On June 14, 2005, Judge Buchwald approved a \$120 million cash settlement.
- ***In re CVS Corp. Securities Litigation***, No. 01-11464 (D. Mass). Milberg served as co-lead counsel in this class action alleging that defendants engaged in a series of accounting improprieties and issued false and misleading statements which artificially inflated the price of CVS stock. On September 7, 2005, Judge Tauro approved a \$110 million cash settlement for shareholders who acquired CVS stock between February 6, 2001, and October 30, 2001.
- ***Scheiner v. i2 Technologies, Inc.***, No. 01-418 (N.D. Tex.). Milberg served as lead counsel in this securities fraud case, filed on behalf of certain purchasers of i2 common stock. The plaintiffs alleged that certain of the company’s senior executives made materially false and misleading statements and omissions in i2’s public statements and other public documents regarding i2’s software, thereby artificially inflating the price of i2’s common stock. In May 2004, Milberg recovered a settlement of \$84.85 million.
- ***In re Royal Dutch/Shell Transport ERISA Litigation***, No. 04-1398 (D.N.J.). This was an ERISA breach of fiduciary duty class action against the Royal Dutch/Shell Oil Group of Companies on behalf of certain of the companies’ U.S. employee investment plan participants. Notably, the \$90 million settlement included important provisions regarding the monitoring and training of individuals appointed to be ERISA fiduciaries.
- Milberg served as co-lead counsel in ***Irvine v. ImClone Systems, Inc.***, No. 02-0109 (S.D.N.Y.), in which a \$75 million cash



settlement was approved by the court in July 2005. Plaintiffs alleged that ImClone issued a number of misrepresentations and fraudulent statements to the market regarding the likelihood of approval of the drug Erbitux, thereby artificially inflating the price of ImClone stock.

- In *In re W.R. Grace & Co. (Official Committee of Asbestos Personal Injury Claimants v. Sealed Air Corp. and Official Committee of Asbestos Personal Injury Claimants v. Fresenius Medical Care Holdings, Inc.)*, Nos. 02-2210 and 02-2211 (D. Del.), Milberg acted as lead counsel for the asbestos personal injury and property damage committees in two separate fraudulent conveyance actions within the W.R. Grace bankruptcy. The actions sought to return the assets of Sealed Air Corporation and Fresenius Medical Care Holdings (each of which had been Grace subsidiaries pre-bankruptcy) to the W.R. Grace bankruptcy estate. Complaints in both cases were filed in mid-March 2002, and agreements in principle in both cases were reached on November 27, 2002, the last business day before trial was set to begin in the Sealed Air matter. The two settlements, which consisted of both cash and stock, were valued at approximately \$1 billion.
- *Nelson v. Pacific Life Insurance Co.*, No. 03-131 (S.D. Ga.). Milberg served as lead counsel in this securities fraud class action arising from allegations of deceptive sales of deferred annuity tax shelters to investors for placement in retirement plans that are already tax-qualified. The court approved a \$60 million settlement of claims arising from such deception.
- The Firm was lead counsel in *In re Prudential Insurance Co. Sales Practice Litigation*, No. 95-4704 (D.N.J.), a landmark case challenging Prudential's sales practices that resulted in a recovery exceeding \$4 billion for certain policyholders. The settlement was approved in a comprehensive Third Circuit decision.
- In *In re NASDAQ Market-Makers Antitrust Litigation*, MDL 1023 (S.D.N.Y.), Milberg served as co-lead counsel for a class of investors. The class alleged that the NASDAQ market-makers set and maintained wide spreads pursuant to an industry-wide conspiracy in one of the largest and most important antitrust cases in recent history. After more than three years of intense litigation, the case settled for a total of \$1.027 billion, one of the largest antitrust settlements at that time.
- *In re Washington Public Power Supply System Securities Litigation*, MDL 551 (D. Ariz.) was a massive securities fraud litigation in which Milberg served as co-lead counsel for a class that obtained settlements totaling \$775 million, the largest-ever securities fraud settlement at that time, after several months of trial.
- *In re Exxon Valdez*, No. 89-095 (D. Alaska) and *In re Exxon Valdez Oil Spill Litigation*, 3 AN-89-2533 (Alaska Sup. Ct. 3d Jud. Dist.). Milberg was a member of the Plaintiffs' Coordinating Committee and co-chair of the Plaintiffs' Law Committee in the massive litigation resulting from the Exxon Valdez oil spill in Alaska in March 1989. Plaintiffs obtained a jury verdict of \$5 billion, which, after years of appeals by Exxon, was reduced to approximately \$500 million by the United States Supreme Court. Recently the United States Court of Appeals for the Ninth Circuit held that plaintiffs are entitled to post judgment interest on the award in the amount of approximately \$470 million.
- In *In re Managed Care Litigation*, MDL 1334 (S.D. Fla.). Final approval of a settlement between a nationwide class of physicians and defendant CIGNA Healthcare, valued in excess of \$500 million, was granted on April 22, 2004. A similar settlement valued in excess of \$400 million involving a nationwide class of physicians and Aetna was approved by the court on November 6, 2003. The settlements stem from a series of lawsuits filed in both state and federal courts by physicians and medical associations against many of the nation's largest health insurers arising from allegations that the insurers engaged in a fraudulent scheme to systematically obstruct, reduce, delay, and deny payments and reimbursements to health care providers. These settlements brought sweeping changes to the health care industry and significant improvements to physician-related business practices.



- ***In re Sunbeam Securities Litigation***, No. 98-8258 (S.D. Fla.). Milberg acted as co-lead counsel for the class. Plaintiffs alleged that Sunbeam, its auditor, and its management engaged in a massive accounting fraud which led to a restatement of over three years of previously reported financial results. The court approved a combined settlement of more than \$140 million, including a \$110 million settlement with Arthur Andersen LLP, Sunbeam's auditor. At that time, the Andersen settlement was one of the largest amounts ever paid by a public accounting firm to settle federal securities claims. The settlement with the individuals was achieved on the eve of trial, and ended almost four years of litigation against Andersen and Sunbeam's insiders, including Albert Dunlap, Sunbeam's former Chairman and CEO. The settlement included a personal contribution from Dunlap of \$15 million.
 - ***In re Triton Energy Limited Securities Litigation***, No. 98-256 (E.D. Tex.). Plaintiffs alleged that defendants misrepresented, among other things, the nature, quality, classification, and quantity of Triton's Southeast Asia oil and gas reserves during the period March 30, 1998 through July 17, 1998. The case settled for \$42 million.
 - In ***In re Thomas & Betts Securities Litigation***, No. 00-2127 (W.D. Tenn.), the plaintiffs, represented by Milberg as co-lead counsel, alleged that Thomas & Betts engaged in a series of accounting improprieties while publicly representing that its financial statements were in compliance with GAAP, and failed to disclose known trends and uncertainties regarding its internal control system and computer and information systems. The case settled for \$46.5 million dollars in cash from the company and \$4.65 in cash from its outside auditor, KPMG.
 - ***In re MTC Electronic Technologies Shareholder Litigation***, No. 93-0876 (E.D.N.Y.). Plaintiffs alleged that defendants issued false and misleading statements concerning, among other things, purported joint venture agreements to establish telecommunications systems and manufacture telecommunications equipment in China. The court approved a settlement of \$70 million, including \$65 million in cash and \$5 million worth of MTC Class A shares with "put" rights.
 - In ***In re PaineWebber Limited Partnerships Litigation***, No. 94-8547 (S.D.N.Y.). Milberg represented investors alleging that PaineWebber developed, marketed, and operated numerous investment partnerships as part of an ongoing conspiracy to defraud investors and enrich itself through excessive fees and commissions over a twelve-year period. On March 20, 1997, Judge Sidney Stein approved a \$200 million settlement, consisting of \$125 million in cash and \$75 million worth of guarantees and fee waivers.
 - In ***Andrews v. AT&T***, No. 91-175 (S.D. Ga.) the Firm represented a class of persons who paid for premium-billed "900-number" calls that involved allegedly deceptive games of chance, starting in 1993. Defendants included major long-distance companies, which approved the call programs and billed for the calls. Defendant MCI settled for \$60 million in benefits. The class against AT&T was decertified on appeal and the Firm prosecuted the individual plaintiffs' claims, obtaining a jury verdict in 2003 for compensatory and punitive damages.
- In the context of shareholder derivative actions, Milberg has protected shareholder investments by effectuating important changes in corporate governance as part of the global settlement of such cases. Cases in which such changes were made include:
- ***In re Comverse Technology, Inc. Derivative Litigation***, No. 601272/2006 (N.Y. Sup. Ct. N.Y. Cnty.). On December 28, 2009, Milberg announced a \$62 million settlement for the derivative plaintiffs, which was approved by the Court on June 23, 2010. The settlement also resulted in significant corporate governance reforms, including the replacement of the offending directors and officers with new independent directors and officers; the amendment of the company's bylaws to permit certain long-term substantial shareholders to propose, in the Company's own proxy materials, nominees for election as directors (proxy access); and the requirement that all equity grants be approved by both the



Compensation Committee and a majority of the non-employee members of the Board.

- ***In re Topps Co., Inc. Shareholder Litig.***, No. 600715/2007 (N.Y. Sup. Ct. N.Y. Cnty. Apr. 17, 2007). Milberg served as co-lead counsel in this transactional case, which led to a 2007 decision vindicating the rights of shareholders under the rules of comity and the doctrine of *forum non conveniens* to pursue claims in the most relevant forum, notwithstanding the fact that jurisdiction might also exist in the state of incorporation. This case was settled in late 2007 in exchange for a number of valuable disclosures for the class.
- ***In re Marketspan Corporate Shareholder Litigation***, No. 15884/98 (N.Y. Sup. Ct. Nassau Cnty.). The settlement agreement in this derivative case required modifications of corporate governance structure, changes to the audit committee, and changes in compensation awards and to the nominating committee.
- ***In re Trump Hotels Shareholder Derivative Litigation***, No. 96-7820 (S.D.N.Y.). In this case, the plaintiff shareholders asserted various derivative claims on behalf of the company against certain Trump entities and senior Trump executives in connection with the self-serving sale of a failing casino to the company in which the plaintiffs held stock. Milberg negotiated a settlement on behalf of the plaintiffs that required Donald Trump to contribute a substantial portion of his personal interest in a pageant he co-owned. In addition, the settlement required the company to increase the number of directors on its board, and certain future transactions had to be reviewed by a special committee.



PRECEDENT-SETTING DECISIONS

Milberg has consistently been a leader in developing the federal securities, antitrust, and consumer protection laws for the benefit of investors and consumers. The Firm has represented individual and institutional plaintiffs in hundreds of class action litigations in federal and state courts throughout the country. In most of those cases, Milberg has served as lead or co-lead counsel. The Firm has also been responsible for establishing many important precedents, including the following:

- ***Platinum Partners v. Chicago Board Options Exchange, Inc.***, No. 1-11-2903 (Ill. App. Ct. 2012). Milberg represented an investment management group in a case against the Chicago Board Options Exchange, Inc. (“CBOE”) and Options Clearing Corp. (“OCC”). The plaintiff investment management group alleged that it was injured when the CBOE and OCC privately disclosed strike price information to certain insiders prior to the information being made public. In the interim between the private disclosure and the public announcements, the plaintiff purchased tens of thousands of affected options. The lower court dismissed the complaint on the grounds that the CBOE and OCC, as self-regulatory organizations, were immune from suit. However, the Appellate Court reversed, holding that a private disclosure to insiders served no regulatory purpose and should not be protected from suit. The Illinois Supreme Court declined the defendants’ petition for leave to appeal.
- ***In re Merck & Co., Inc. Securities Litigation***, Nos. 05-1151 and 05-2367 (D.N.J.). Milberg served as co-lead counsel in this federal securities fraud class action, and following over 12 years of hard-fought litigation, ultimately obtained a combined settlement totaling \$1.062 billion, the largest securities class action settlement ever against a pharmaceutical company, which received final approval on June 28, 2016. This lawsuit involved claims under the Securities Exchange Act of 1934 against Merck and certain of its executives arising out of allegations that defendants made materially false and misleading statements concerning the safety profile and commercial viability of Merck’s purported “blockbuster” drug VIOXX. During this litigation, Milberg and co-lead counsel engaged in exhaustive discovery, including the review and analysis of over 35 million pages of documents involving complex scientific and medical issues, as well as the examination of over 59 fact and expert witnesses. Plaintiffs successfully appealed the dismissal of this action on state of limitations grounds to the Third Circuit Court of Appeals, and prevailed in defendants’ further appeal to the Supreme Court, resulting in a unanimous decision by the Supreme Court in Plaintiffs’ favor which clarified the law regarding the application of the statute of limitations to federal securities fraud claims. Plaintiffs’ claims also survived additional motions to dismiss and motions for summary judgment, and the parties reached settlement less than three months before trial was scheduled to commence.
- ***In re Lord Abbett Mutual Funds Fee Litigation***, 553 F.3d 248 (3d Cir. 2009). This important decision set significant precedent regarding the scope of preemption under the Securities Litigation Uniform Standards Act of 1998 (“SLUSA”). In reversing the District Court’s dismissal of the plaintiffs’ claims, the Third Circuit held that “SLUSA does not mandate dismissal of an action in its entirety where the action includes only some pre-empted claims.” In so holding, the court explained that “nothing in the language, legislative history, or relevant case law mandates the dismissal of an entire action that includes both claims that do not offend SLUSA’s prohibition on state law securities class actions and claims that do”
- ***Abdullahi v. Pfizer, Inc.***, 562 F.3d 163, 170 (2d Cir. 2009). In this matter, the plaintiffs, Nigerian children and their families, asserted claims under the Alien Tort Statute (“ATS”) in connection with Pfizer’s clinical trial of the drug, Trovan, without their knowledge. In January 2009, the Second Circuit reversed the District Court’s dismissal



for lack of jurisdiction. The court held that the plaintiffs pled facts sufficient to state a cause of action under the ATS for a violation of international law prohibiting medical experimentation on human subjects without their consent.

- ***In re Converse Technology, Inc. Derivative Litigation***, 866 N.Y.S.2d 10 (App. Div. 1st Dep’t 2008). In this derivative case in which Milberg serves as co-lead counsel, plaintiff shareholders sued certain of the company’s officers and directors based on allegations of illegal options backdating. The lower court dismissed the plaintiffs’ claims, holding that the plaintiffs failed to make a pre-suit demand on the company’s board, and that in any event, the board had already formed a special committee to investigate the misconduct. In this significant opinion reversing the lower court’s dismissal, the Appellate Division clarified the standards of demand futility and held that a board of directors loses the protection of the business judgment rule where there is evidence of the directors’ self-dealing and poor judgment. The court noted that the mere creation of a special committee did not justify a stay of the action and did not demonstrate that the board took appropriate steps. Rather, “the picture presented in the complaint is that of a special committee taking a tepid rather than a vigorous approach to the misconduct and the resultant harm. Under such circumstances, the board should not be provided with any special protection.”
- ***South Ferry LP #2 v. Killinger***, 542 F.3d 776 (9th Cir. 2008). The important opinion issued by the Ninth Circuit in this securities fraud class action clarified, in the post-*Tellabs* environment, whether a theory of scienter based on the “core operations” inference satisfies the PSLRA’s heightened pleading standard. In siding with the plaintiffs, represented by Milberg, the Ninth Circuit held that “[a]llegations that rely on the core operations inference are among the allegations that may be considered in the complete PSLRA analysis.” The court explained that under the “holistic” approach required by *Tellabs*, all allegations must be “read as a whole” in considering whether plaintiffs adequately plead scienter.

After remand, the District Court found that the plaintiffs sufficiently alleged scienter under the Ninth Circuit’s analysis.

- ***In re Gilead Sciences Securities Litigation***, 536 F.3d 1049 (9th Cir. 2008). In this securities fraud class action in which Milberg represents the plaintiffs, the Ninth Circuit reversed the District Court’s dismissal of the complaint in this opinion clarifying loss causation pleading requirements. In ruling that the plaintiffs adequately plead loss causation, the Ninth Circuit held that the plaintiffs’ complaint identified a “specific economic loss” following the issuance of a specific press release, along with allegations of misrepresentations that were described in “abundant detail.” The opinion established that plaintiffs in a securities fraud action adequately plead loss causation where they provide sufficient detail of their loss causation theory and some assurance that the theory has a basis in fact. Based on this analysis, the dismissal was reversed, and the case was remanded to the District Court for further proceedings.
- ***In Tellabs, Inc. v. Makor Issues & Rights, Ltd.***, 551 U.S. 308 (2007), in which Milberg is lead counsel for the class, the United States Supreme Court announced a uniform standard for evaluating the sufficiency of a complaint under the PSLRA. The court held that on a motion to dismiss, a court “must consider the complaint in its entirety,” accepting “all factual allegations in the complaint as true,” as well as “tak[ing] into account plausible opposing inferences.” On remand, the Seventh Circuit concluded that “the plaintiffs have succeeded, with regard to the statements identified in our previous opinion as having been adequately alleged to be false and material, in pleading scienter in conformity with the requirements of the PSLRA. We therefore adhere to our decision to reverse the judgment of the district court dismissing the suit.” The unanimous decision was written by Judge Richard A. Posner.
- ***Asher v. Baxter International, Inc.***, 377 F.3d 727 (7th Cir. 2004). In reversing and remanding the District Court’s dismissal, the Seventh Circuit resolved in plaintiffs’ favor an important issue involving the PSLRA’s “safe harbor” for forward-looking statements. The



court held that whether a cautionary statement is meaningful is an issue of fact, because whether a statement is meaningful or not depends in part on what the defendant knew when the statement was made as well as other issues of fact. Thus, this issue is not appropriately resolved on a motion to dismiss.

- ***Gebhardt v. ConAgra Foods, Inc.***, 335 F.3d 824 (8th Cir. 2003). This important decision strongly reaffirmed the principle that whether an undisclosed fact would have been material to investors cannot ordinarily be decided on a motion to dismiss. The Eighth Circuit, stressing that “[t]he question of materiality hinges on the particular circumstances of the company in question,” observed that even relatively small errors in financial statements might be material if they concern areas of particular importance to investors and raise questions about management integrity.
- ***In re Cabletron Systems, Inc.***, 311 F.3d 11 (1st Cir. 2002). In this opinion, the First Circuit joined the Second Circuit in allowing a complaint to be based on confidential sources. The court also accepted the argument made by plaintiffs, represented by Milberg, that courts should consider the amount of discovery taken place prior to deciding a motion to dismiss, with a lack of discovery resulting in a correspondingly less stringent standard for pleading securities fraud claims with particularity.
- In ***Puckett v. Sony Music Entertainment***, No. 108802/98 (N.Y. Sup. Ct. N.Y. Cnty. 2002), a class action was certified against Sony Music Entertainment on behalf of a class of recording artists who were parties to standard Sony recording or production agreements entered into during the class period. The complaint alleged that Sony had a policy of treating the value added tax on foreign sales of recordings improperly thereby impermissibly reducing the royalties paid or credited to the class members. Justice DeGrasse of the New York State Supreme Court determined that class certification was appropriate and that Gary Puckett (of Gary Puckett & the Union Gap) and jazz musician and composer Robert Watson were appropriate class representatives to represent the class of artists and producers to whom Sony accounts for foreign record royalties.
- ***Novak v. Kasaks***, 216 F.3d 300 (2d Cir. 2000). The Firm was lead counsel in this seminal securities fraud case in which the Second Circuit undertook an extensive analysis of the statutory text and the legislative history of the PSLRA and pre-existing Second Circuit case law. Among other things, the Second Circuit held that the PSLRA’s pleading standard for scienter was largely equivalent to the pre-existing Second Circuit standard and vacated the District Court’s dismissal which sought to impose a higher standard for pleading scienter under the PSLRA. The Second Circuit also rejected any general requirement that plaintiffs’ confidential sources must be disclosed to satisfy the PSLRA’s newly-enacted particularity requirements.
- ***In re Advanta Corp. Securities Litigation***, 180 F.3d 525 (3d Cir. 1999). Here, the plaintiffs, represented by Milberg, successfully argued that under the PSLRA, scienter is sufficiently pled by making an adequate showing that the defendants acted knowingly or with reckless disregard for the consequences of their actions. The Third Circuit specifically adopted the Second Circuit’s scienter pleading standard for pleading fraud under the PSLRA.
- In ***Hunt v. Alliance North American Government Income Trust, Inc.***, 159 F.3d 723 (2d Cir. 1998), the Second Circuit reversed the District Court’s ruling, which denied plaintiffs leave to amend to assert a cause of action against defendants for failing to disclose that the defendant Trust was unable to utilize proper “hedging” techniques to insure against risk of loss. In the court’s view, taken together and in context, the Trust’s representations would have misled a reasonable investor.
- In ***Shaw v. Digital Equipment Corp.***, 82 F.3d 1194 (1st Cir. 1996), the First Circuit remanded plaintiffs’ action after affirming, in part, Milbergs’ position that in association with the filing of a prospectus related to the issuance of securities, a corporate-issuer must disclose intra-quarter, materially adverse changes in its business, if such adverse changes constitute



“material changes” the disclosure of which is required pursuant to the Securities Act of 1933.

- ***In re Salomon, Inc. Shareholders Derivative Litigation***, 68 F.3d 554 (2d Cir. 1995). The Second Circuit affirmed the District Court’s holding that derivative federal securities claims against defendants would not be referred to arbitration pursuant to the arbitration provisions of the Rules of the New York Stock Exchange, but would be tried in District Court. Shortly thereafter, the case settled for \$40 million.
- ***Kamen v. Kemper Financial Services, Inc.***, 500 U.S. 90 (1991). The Supreme Court upheld the right of a stockholder of a mutual fund to bring a derivative suit without first making a pre-suit demand. Specifically, the Court held that “where a gap in the federal securities laws must be bridged by a rule that bears on the allocation of governing powers within the corporation, federal courts should incorporate state law into federal common law unless the particular state law in question is inconsistent with the policies underlying the federal statute. . . . Because a futility exception to demand does not impede the regulatory objectives of the [Investment Company Act], a court that is entertaining a derivative action under that statute must apply the demand futility exception as it is defined by the law of the State of incorporation.”
- ***Mosesian v. Peat, Marwick, Mitchell & Co.***, 727 F.2d 873 (9th Cir. 1984), *cert. denied*, 469 U.S. 932 (1984). The Ninth Circuit upheld an investor’s right to pursue a class action against an accounting firm, adopting statute of limitation rules for Section 10(b) suits that are favorable to investors.
- ***Hasan v. CleveTrust Realty Investors***, 729 F.2d 372 (6th Cir. 1984). The Sixth Circuit very strictly construed, and thus narrowed, the ability of a “special litigation committee” of the board of a public company to terminate a derivative action brought by a shareholder.
- ***Fox v. Reich & Tang, Inc.***, 692 F.2d 250 (2d Cir. 1982), *aff’d sub nom, Daily Income Fund, Inc. v. Fox*, 464 U.S. 523 (1984). The court held that a Rule 23.1 demand is not required in a shareholder suit brought pursuant to Section 36(b) of the Investment Company Act.
- ***Rifkin v. Crow***, 574 F.2d 256 (5th Cir. 1978). The Fifth Circuit reversed an order granting summary judgment for defendants in a Section 10(b) case, paving the way for future acceptance of the “fraud-on-the-market” rationale in the Fifth Circuit.
- ***Blackie v. Barrack***, 524 F.2d 891 (9th Cir. 1975), *cert. denied*, 429 U.S. 816 (1976). This is the seminal appellate decision on the use of the “fraud-on-the-market” theory of reliance, allowing investors who purchase stock at artificially inflated prices to recover even if they were personally unaware of the false and misleading statements reflected in the stock’s price. In so holding, the court noted that class actions are necessary to protect the rights of defrauded purchasers of securities.
- ***Bershad v. McDonough***, 300 F. Supp. 1051 (N.D. Ill. 1969), *aff’d*, 428 F.2d 693 (7th Cir. 1970). In this case, the plaintiff, represented by Milberg, obtained summary judgment on a claim for violation of Section 16(b) of the Securities Exchange Act, where the transaction at issue was structured by the defendants to look like a lawful option. The decision has been cited frequently in discussions as to the scope and purpose of Section 16(b).
- ***Heit v. Weitzen***, 402 F.2d 909 (2d Cir. 1968). The court held that liability under Section 10(b) of the Securities Exchange Act extends to defendants, such as auditors, who were not in privity with the named plaintiffs or the class represented by the named plaintiffs.



PARTNERS

ROBERT A. WALLNER received his B.A. degree from the University of Pennsylvania in 1976 graduating *magna cum laude*. He attended New York University School of Law, earning his J.D. degree in 1979. He was elected to the law school's Order of the Coif and served as an editor of the *New York University Law Review*.

Mr. Wallner has litigated complex securities, consumer and antitrust class actions throughout the country. He currently represents plaintiffs in lawsuits arising out of the Madoff Ponzi scheme. He has also represented investors in *In re Initial Public Offering Securities Litigation* (S.D.N.Y.), *In re CMS Energy Corporation Securities Litigation* (E.D. Mich.), and *In re Deutsche Telekom AG Securities Litigation* (S.D.N.Y.), and consumers in *In re Synthroid Marketing Litigation* (N.D. Ill.) and the *Mercedes-Benz Tire Litigation* (D.N.J.).

Mr. Wallner is a frequent lecturer on securities and complex litigation issues. He has served on the editorial board of *Securities Litigation Report*, as a faculty member of the American Bar Association's First Annual National Institute on Securities Litigation and Arbitration, and as a member of the Federal Courts Committee of the Association of the Bar of the City of New York. He has been recognized in Lawdragon's "100 Lawyers You Need to Know in Securities Litigation."

SANFORD P. DUMAIN attended Columbia University where he received his B.A. degree in 1978. He graduated *cum laude* from Benjamin N. Cardozo School of Law of Yeshiva University in 1981.

Mr. Dumain represents plaintiffs in cases involving securities fraud, consumer fraud, insurance fraud, and violations of the antitrust laws.

Mr. Dumain was co-lead counsel in *In re Tyco International Ltd., Securities Litigation* in which \$3.2 billion was recovered for investors. Mr. Dumain also served as lead counsel in the securities class actions against Nortel and Biovail, which are the highest and third highest recoveries ever in cases involving Canadian companies. The *Nortel* settlement was valued at over \$1 billion and *Biovail* settled for over \$138 million in cash. Mr. Dumain successfully represented the City of San Jose, California against 13 of the City's broker-dealers and its outside accountants in connection with major losses in unauthorized bond trading.

Mr. Dumain began his career as a law clerk to Judge Warren W. Eginton, United States District Court for the District of Connecticut 1981-1982. During the early years of his practice, he also served as an Adjunct Instructor in Legal Writing and Moot Court at Benjamin N. Cardozo School of Law.

Mr. Dumain has lectured for ALI-CLE concerning accountants' liability and has prosecuted several actions against accounting firms.

Judge Janet C. Hall of the District of Connecticut made the following comment in *In re Fine Host Corporation Securities Litigation* No. 97-2619 (D.Conn.): "The court also finds that the plaintiff class received excellent counseling, particularly from the Chair of the Plaintiffs' Executive Committee, Attorney Dumain."

Mr. Dumain is admitted to practice in the State of New York, United States District Court for the Southern, Eastern, and Western Districts of New York, District of Colorado, and District of Connecticut, and United States Courts of Appeals for the First, Second, Third, Sixth, Seventh, and Eighth Circuits.

Mr. Dumain is the Chair of the Firm's Executive Committee.

BARRY A. WEPRIN graduated from Harvard College in 1974. He received a J.D. degree from the New York University School of Law in 1978, and a master of public affairs from the Woodrow Wilson School of Princeton University in 1978. While in law school, Mr. Weprin was notes and comments editor of the *New York University Law Review*.

Since joining Milberg, Mr. Weprin has specialized in securities and insurance litigation. He has served as lead or co-lead counsel in a number of complex securities class action litigations. He was one of the principal attorneys in the sales practice litigations against The New York Life Insurance Company, The New England Life Insurance Service Company, The Massachusetts Mutual Life Insurance Company, The John Hancock Mutual Life Insurance Company, and The Prudential Life Insurance Company which recovered billions of dollars for policyholders. Mr. Weprin is a frequent lecturer on complex litigation issues.

Previously, Mr. Weprin served as law clerk to Judge Charles P. Sifton of the United States District Court for the Eastern District of New York and was associated with the law firm of Wachtell Lipton Rosen & Katz where he specialized in commercial and securities litigation. He also served as general counsel to the New York State Housing Finance Agency and the New York State Medical Care Facilities Finance Agency, two agencies that issue tax exempt bonds for financing nonprofit medical facilities and qualified housing projects.

Mr. Weprin is very active in his community of Mamaroneck, New York, having served as a Town Councilman and a member of the Zoning Board of Appeals. He is President of the National Association of Shareholder and Consumer Attorneys (NASCAT) as well as Vice President of the Institute for Law and Economic Policy (ILEP).

Mr. Weprin is a member of the American Bar Association, the Association of the Bar of the City of New York, the New York County Lawyers Association, and the New York State Bar Association. Mr. Weprin is admitted to practice in New York, the United States District Court for the

Southern and Eastern Districts of New York, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court.

BRAD N. FRIEDMAN focuses his practice on various complex commercial matters, including securities, qui tam, SEC whistleblower, bankruptcy, consumer, and life insurance class actions.

Mr. Friedman has recovered billions of dollars on behalf of injured plaintiffs, including as lead counsel in numerous "vanishing premium" and "churning" life insurance sales practice class actions (including cases against Prudential and Metropolitan Life).

In 2009, after eight years of arduous litigation, Mr. Friedman recovered \$750 million for shareholders in *Carlson v. Xerox*, one of the 10 largest securities class-action settlements in U.S. history. Judge Thompson noted the complexity of the international accounting case and complimented Milberg's legal work, saying, "The class received high-quality legal representation and obtained a very large settlement in the face of vigorous opposition by highly experienced and skilled defense counsel."

In 2002, Mr. Friedman acted as lead counsel on behalf of various asbestos committees in the *W.R. Grace* bankruptcy and successfully recovered approximately \$1 billion through a fraudulent conveyance litigation that settled on the eve of trial.

Mr. Friedman is currently representing numerous whistleblowers in a variety of qui tam and SEC-related matters.

Mr. Friedman began his legal career as a clerk to the Honorable Max Rosenn, United States Court of Appeals for the Third Circuit. Following his clerkship, Mr. Friedman was associated with Simpson Thacher & Bartlett LLP, where he worked until 1994. Mr. Friedman became a Milberg partner in 1996.

He is a member of the American Constitution Society, the Federal Bar Council, the American Bar Association, the American Association for Justice, the New York State Bar Association, and the New York City Bar Association.

Mr. Friedman graduated from Cornell University in 1982 with a B.A. degree. He received his J.D., *cum laude*, from New York University School of Law in 1986.

ARIANA J. TADLER is a partner at Milberg LLP and an elected member of the Firm's Executive Committee. She has extensive experience litigating and managing complex securities and consumer class actions, including high profile, fast-paced cases. Ms. Tadler is widely recognized as one of the nation's leading authorities on electronic discovery and chairs Milberg's E-Discovery Practice Group. Ms. Tadler is regularly invited to speak on a variety of litigation and discovery-related topics and has authored numerous publications on E-Discovery. Ms. Tadler is also a Principal in Meta-e Discovery LLC, which is the result of the spin off of Milberg's prior Litigation Support and Data Hosting services division that Ms. Tadler helped to build.

Ms. Tadler is currently serving as lead counsel in a number of consumer cases involving the mislabeling as "natural" products that contained GMOs, including *In re ConAgra Foods, Inc.*, and is a member of the Steering Committee in *In re Target Corporation Customer Data Security Breach Litigation*, representing consumers in a class action accusing Target Corp. of failing to protect customers from a massive data breach during the holiday shopping season. Ms. Tadler is lead counsel in *Ironworkers District Council of Philadelphia & Vicinity Retirement & Pension Plan v. Lamberto Andreotti*, pending in Delaware Chancery Court. She also recently successfully represented an alternative energy company in its claims of negligence against one of the Big 4 accounting firms. Ms. Tadler's accomplishments also include litigation of three cases in the Eastern District of Virginia (a/k/a the "Rocket Docket") in less than four years, including *In re MicroStrategy Securities Litigation* in which plaintiffs' counsel negotiated settlements valued at more than \$150 million. Ms. Tadler served as one of the court-appointed plaintiffs' liaison counsel in the *Initial Public Offering Securities Litigation* in which the court approved a \$586 million cash settlement. Among the thousands of defendants in this coordinated action were 55 prominent investment banks and more than 300 corporate issuers.

Ms. Tadler's extensive experience acting as Special Discovery Counsel in complex litigation and class actions includes representing the government of Colombia as Special Discovery Counsel in its pursuit of claims alleging smuggling and illegal sales of alcohol by several international companies for violation of United States RICO statutes and other common law claims. The engagement encompassed identifying relevant information responsive to defendants' requests, confirming and guiding preservation practices, and interviewing and collecting data from more than 100 custodians in 23 Colombian Departments (Colombia's equivalent to our States in the U.S.). The team also reviewed and produced data in the litigation, and was tasked with ensuring compliance with the various privacy laws of Colombia and the United States with regard to personal data, controlled data and the transfer of sensitive information — all hot topics in the area of E-Discovery today.

Ms. Tadler serves on The Sedona Conference®'s Board of Directors and, after having served for five years as Chair, is now Chair Emeritus of the Steering Committee for Working Group 1 on Electronic Document Retention and Production, the preeminent "think tank" on E-Discovery. In addition, she is on the Advisory Board of Georgetown University Law Center's Advanced E-Discovery Institute where she has helped educate federal judges and lawyers on E-Discovery issues and also serves on Bloomberg BNA's eDiscovery Board of Advisors. In addition to serving on the Advisory Committee of the Judicial Improvements Committee of the Southern District of New York, Ms. Tadler is on the committee of the Seventh Circuit Electronic Discovery Pilot Program and also actively involved in the reformulation of applicable E-Discovery rules and best practices. Recently, Ms. Tadler was appointed to serve as the Executive Director for the Board of Advisors of the Benjamin N. Cardozo School of Law's Data Law Initiative, a comprehensive program of courses focused on various aspects of data law including information governance, E-Discovery and cybersecurity.

An AV® Preeminent rated (Martindale Hubbell's highest rating) lawyer, Ms. Tadler has been recognized by several prominent legal industry rating organizations, including 2014 Chambers USA: America's Leading Lawyers for Business as

“a leading light in the plaintiffs’ Bar” and a “fearless and tenacious” advocate who wins praise for her in-depth e-discovery knowledge and efficient approach. Clients also praise her ability to “navigate all the E-Discovery issues.” For four years in a row, Lawdragon included her in its select list of 500 Leading Lawyers in America, describing her as “one of the nation’s most talented plaintiff-side securities litigators” and crediting her with building Milberg’s “team of lawyers and technologists armed with the necessary hardware and software to provide a solid and reliable service.” Benchmark Litigation has also included her in its 2014 Top 250 Women Litigators in the U.S. and she was named in Super Lawyers 2014 “Top 50: Women Lawyers” in the New York Metro-area. In 2015, Ms. Tadler was selected as a *Who’s Who Legal Litigation: Leading Practitioner-E-Discovery*.

Ms. Tadler chairs Milberg’s Client Development Committee and is a member of the Hiring and Technology Committees. Ms. Tadler is a member of several legal industry associations, including: American Bar Association; American Bar Foundation (Fellow); American Association for Justice; Federal Bar Council; New York State Bar Association; National Association of Women Lawyers; New York County Lawyers Association; New York Women’s Bar Association; and The New York Inn of Court (Vice President). Ms. Tadler is a fellow of the prestigious Litigation Counsel of America, an invitation-only trial lawyer honorary society that recognizes the country’s top attorneys. She is also involved in various community and not-for-profit organizations and currently serves on the board of MFY Legal Services, Inc.

Ms. Tadler graduated from Hamilton College in 1989. In 1992, she received her J.D. from Fordham University School of Law, where she was the Articles and Commentary Editor of the Fordham Urban Law Journal, a member of the Moot Court Board, and the 1990 recipient of the American Jurisprudence Award in Criminal Law.

MATTHEW GLUCK was a litigation partner for over 30 years at Fried, Frank, Harris, Shriver & Jacobson LLP prior to joining Milberg. He frequently represented U.S. and foreign businesses and individuals in major litigation and other complex matters. He has also assisted clients in both formal

bankruptcies and out-of-court restructurings of financially troubled companies.

Mr. Gluck twice served as adviser to the court in the restructuring of the Manville Trust in *In re Johns-Manville Corp.*, No. 85-8922 (S.D.N.Y.) and was the legal representative for future claimants in the Chapter 11 filing of Keene Corporation in *In re Keene Corp.*, No. 93-46090 (Bankr. S.D.N.Y.). He also serves as a local judge in Muttontown, New York. He was one of the lead attorneys for the plaintiffs in the trial against Vivendi which resulted in what may be the largest jury verdict for plaintiffs in a securities class action. He conducted the examination of Vivendi’s former CEO, CFO, and their accounting expert.

Mr. Gluck is admitted to the bar of the State of New York.

MATTHEW A. KUPILLAS graduated from the State University of New York at Albany in 1990 with a B.A. degree in philosophy. In 1994, Mr. Kupillas received his J.D. degree from New York University School of Law. Mr. Kupillas focuses his practice primarily on class actions on behalf of defrauded investors and consumers, as well as complex commercial litigation. He is a member of the bar of the State of New York and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York, the District of Colorado, the Eastern District of Wisconsin, and the United States Court of Appeals for the Tenth Circuit.

KENT A. BRONSON received a B.A. from State University of New York at Binghamton in 1994. He graduated *cum laude* from University of Pittsburgh School of Law in 1998. During law school, Mr. Bronson was a research editor on the Law Review and a recipient of the Dean’s Scholarship.

Mr. Bronson’s practice is focused on securities, consumer and class action litigation. Prior to joining Milberg, while associated with another law firm, Mr. Bronson was part of a team of attorneys representing New York homeowners in *In re Coordinated Title Insurance Litigation*, Index No. 009600/2003 (N.Y. Sup. Ct. Nassau Cnty.) who alleged that eight insurance companies doing business in New York state overcharged them for

title insurance in refinance transactions. The litigation resulted in complete recovery to homeowners submitting valid claims, and reportedly the largest settlement of a consumer class action in Nassau County. The presiding Justice, in approving the \$31.5 million settlement of that litigation, described the prosecution of the case as reflecting “lawyering of the highest quality.” Also, in *In re Providian Financial Securities Litigation*, MDL 1301 (E.D. Pa.), Mr. Bronson was one of the attorneys representing the Xerox (GB) Pension Scheme (which reportedly oversees approximately \$2.5 billion in employee retirement funds for the British affiliate of Xerox Corp.) in a securities fraud class action lawsuit alleging that a major credit card company inflated its profits with illegal charges to consumers. The Court commented, in approving the \$38 million settlement of that case, on the “extremely high quality” and “skill and efficiency” of plaintiffs’ counsel’s work.

Mr. Bronson has litigated numerous complex class action and shareholder derivative cases in various state and federal courts, including, among others, *In re Biovail Corp. Securities Litigation*, No. 03-8917 (S.D.N.Y.) (in which Milberg LLP served as co-lead counsel on behalf of the Local 282 Welfare Trust Fund, and which was settled for \$138 million and certain corporate governance modifications); *City of Miami Police Relief & Pension Fund v. Ryland Group, Inc.*, No. BC411143 (Cal. Super. Ct. Los Angeles Cnty.); *New Jersey Carpenters Annuity Fund v. Meridian Diversified Fund Management, LLC*, No. 10-5738 (S.D.N.Y.); *New Jersey Carpenters Pension Fund v. infoGroup, Inc.*, No. 5334-VCN (Del. Ch.); and *In re Massey Energy Co. Derivative & Class Action Litigation*, No. 5430-VCS (Del. Ch.).

During law school, Mr. Bronson was a research editor of the University of Pittsburgh Law Review and a recipient of the University of Pittsburgh School of Law Dean’s Scholarship.

Mr. Bronson is admitted to practice in New York State courts, the United States District Courts for the Southern, Eastern and Northern Districts of New York, and the United States Courts of Appeals for the Second and Tenth Circuits.

LEIGH SMITH received a B.A. degree, with high honors, and an M.A. degree from Rutgers

University. Ms. Smith received a J.D. degree from Cornell Law School in 1999.

Ms. Smith focuses her practice primarily on class actions on behalf of defrauded investors. She also has significant experience with complex commercial litigation and consumer class actions. Her involvement in *In re Tyco International Ltd. Securities Litigation*, No. 02-1335, helped recover an aggregate settlement of \$3.2 billion.

While at Rutgers University, Ms. Smith majored in French and was elected to *Phi Beta Kappa* and *Phi Sigma Iota*. As a graduate student, she studied French literature and film and spent a year in France working as an assistant English teacher. Ms. Smith taught French at Rutgers and at the University of Iowa before going to law school. During law school, Ms. Smith served as the Acquisitions Editor for the *Cornell Journal of Law and Public Policy* and was a member of the Cornell Moot Court Board. She also was active in a number of student organizations.

Prior to joining Milberg, Ms. Smith worked at large law firms in New York and New Jersey. She is admitted to practice in the United States District Courts for the Southern District of New York, the Eastern District of New York, the District of New Jersey, the District of Massachusetts, the District of Colorado, and the United States Courts of Appeals for the First, Second, Third, and Ninth Circuits.

ARVIND B. KHURANA received his B.A. from State University of New York at Albany in 1993, and a J.D. from St. John’s University School of Law in 1999, *Dean’s List Graduate*. While in law school, Mr. Khurana was on the Dean’s List from 1995-1999 and a member of the *American Bankruptcy Institute Law Review*.

Mr. Khurana focuses his practice primarily on class actions on behalf of defrauded investors and consumers, as well as complex commercial litigation. Prior to joining Milberg in August 2005, Mr. Khurana worked as an associate with a major international law firm in New York, concentrating in the area of complex commercial litigation.

Mr. Khurana is a member of the Federal Bar Council and admitted to practice in the state and

federal courts of New York. He is also a member of the Firm's Diversity Committee.

KRISTI STAHNKE MCGREGOR received her B.A. degree in political science, *Phi Beta Kappa*, from the University of Florida in 1995. In 1999, Ms. McGregor received her J.D. degree from Emory University School of Law, where she was the Research Editor of the *Emory International Law Review* and student law clerk to Justice Norman Fletcher of the Georgia Supreme Court. In 2001, Ms. McGregor received her LL.M. degree from the Westfaelische Wilhelms-Universitaet Muenster, in Munester, Germany, where she was a Federal Chancellor Scholar through the Alexander von Humboldt Foundation.

For over a decade now, Ms. McGregor has focused her practice primarily on securities fraud class actions and derivative actions on behalf of investors, as well as other complex litigation involving allegations of fraud and/or breach of fiduciary duty. Working together with her colleagues at Milberg, Ms. McGregor's work has contributed to over \$300 million in recoveries for investors.

Ms. McGregor has particular experience in international litigation, primarily involving European companies. She has used her German language skills and knowledge of the German legal system to represent investors in cases involving German companies, including *In re Deutsche Telekom AG Securities Litigation*, which resulted in a \$120 million settlement for U.S. holders of American Depository Shares, and *In re NYSE Euronext Shareholders Litigation* challenging the proposed merger of the NYSE with the Deutsche Boerse.

Prior to joining Milberg's New York office in 2002, Ms. McGregor practiced in the international corporate law section of a large Atlanta law firm advising German companies on their business in the U.S. Ms. McGregor was admitted to the Georgia bar in 1999, the New York bar in 2003, and the Florida bar in 2004.

ANDREI RADO focuses his practice on securities litigation, consumer class actions, and SEC whistleblower matters.

Since the passage of the Dodd-Frank Act in 2010, Mr. Rado has represented numerous whistleblowers before the commission under a program that rewards and protects whistleblowers that report violations of securities laws to the Securities and Exchange Commission. These involved a variety of complaints, including allegations of bribing foreign officials to gain business, accounting fraud, and consumer fraud, against a variety of companies diverse in size and business.

Mr. Rado's securities practice has included numerous complex litigations nationwide, including *In re Initial Public Offering Securities Litigation*, which alleged, in hundreds of consolidated cases then pending in the Southern District of New York, that investment banks manipulated the initial public offerings of hundreds of companies, and mutual fund timing cases alleging that mutual fund managers allowed select investors to profit by improperly timing their trading in fund shares.

Mr. Rado also investigates, launches, and litigates consumer class actions. These cases are as diverse as consumer fraud itself. Early in his career, Mr. Rado litigated a case against jewelry company Zales for improperly denying credit-insurance claims made by unemployed and retired consumers, and a class action against computer maker Gateway for improperly understating in advertising the costs of internet access to consumers, some of whom incurred internet-access fees of hundreds of dollars. More recently, among other cases, Mr. Rado has launched and litigated consumer cases against companies that misled consumers by inflating the technical specifications of their products, and "all natural" food cases, including the first case alleging that products made from genetically modified organisms (GMOs) should not be advertised as natural.

Mr. Rado is editor of Milberg's consumer blog classactioncentral.com

Prior to joining Milberg, Mr. Rado worked as an attorney at a New York City-based investment bank focusing on compliance, with rules and regulations relating to re-sales of control and restricted securities under the Securities Act of 1933. Mr. Rado also worked at another prominent New York City law firm specializing in plaintiffs' securities class action litigation.

Mr. Rado received his Juris Doctor degree from St. John's University School of Law, *cum laude*, in 1999. While in law school, Mr. Rado served as a senior member of the *New York International Law Review*. He is admitted to practice in the courts of the State of New York, as well as the United States District Court for the Southern District of New York. Mr. Rado was born in Bucharest Romania, and lived in Israel for several years before immigrating to New York in the early 80s.

ANNA C. DOVER received a B.A. degree from Wesleyan University, with honors in Psychology, in 1995, and a J.D. degree from the University of California at Davis School of Law in 2001. While in law school, Ms. Dover was a member of the *UC Davis Law Review*.

Ms. Dover currently focuses her practice on representing whistleblowers in litigation under the False Claims Act. In addition, Ms. Dover has extensive experience litigating claims brought under Section 36(b) of the Investment Company Act of 1940, including taking such cases to trial. As an active member of the New York Inn of Court, she has spoken at several CLE seminars.

Prior to joining Milberg, Ms. Dover was an associate at Robie & Matthai, P.C. in Los Angeles where her practice was focused on insurance and legal malpractice claims. While in law school, Ms. Dover was a member of the UC Davis Law Review.

Ms. Dover is admitted to practice before the United States District Courts for the Southern District of New York and the Central and Southern Districts of California, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court.

PAUL F. NOVAK received his B.A. and M.A. degrees from Michigan State University in 1983, and J.D. from Emory University School of Law in 1986. Before leaving the firm, Mr. Novak was the head of Milberg's antitrust practice group and the managing partner of the Firm's Detroit office. He was active in a host of antitrust, securities, and consumer protection class action matters, and served as interim co-lead counsel in multiple antitrust cases.

Prior to joining Milberg, Mr. Novak practiced law in both the public sector, as an Assistant Attorney General for the State of Michigan and as the City Attorney of Lansing, and in the private sector consulting with clients on antitrust, environmental, and regulatory matters. As an assistant attorney general, Mr. Novak served as the Division Head of the Special Litigation Division with responsibility for antitrust enforcement, public utility matters, and securities litigation. He emerged as a national leader in multistate litigation involving pricing practices in the pharmaceuticals industry, and served as lead counsel on behalf of all fifty state attorneys general in the *In re Cardizem CD Antitrust Litigation*. He also served as lead counsel on behalf of the State of Michigan in several price fixing, monopolization, and merger cases in a broad spectrum of industries including health care, pharmaceuticals, and in cases involving Microsoft and Oracle Corporation.

Mr. Novak is the former Chair of the Michigan Bar Association's Antitrust, Franchising, and Trade Regulation Section and is a contributing editor of the American Bar Association's Antitrust and Health Care Newsletter. He is also a member of the State Bar of Michigan United States Court Committee. He was awarded the Frank J. Kelley Excellence in Trial Advocacy Award for his work in antitrust enforcement. He has lectured on antitrust issues in the pharmaceuticals and insurance industries for the Practising Law Institute. He served as chair of the National Association of Attorneys General ("NAAG") Midwest Antitrust Enforcement Task Force and as a member of the NAAG Airlines Industry Working Group and Prescription Drug Pricing Task Force.

JAMES M. SHAUGHNESSY joined Milberg in 2001. He started his legal career as a litigation associate at Casey, Lane & Mittendorf in 1969 and became a litigation partner at the firm in 1976. In 1982, Mr. Shaughnessy co-founded the firm of Haythe & Curley, (now the New York office of Torys LLP) and was the firm's original litigation partner. He was the managing partner of Haythe & Curley for two years. In 1987, Mr. Shaughnessy joined the firm of Windels, Marx, Davies & Ives (now known as Windels, Marx, Lane & Mittendorf, LLP) as a litigation partner. He was the chairman of the Windels, Marx Litigation Department from 1988

through 1998, and was a member of the firm's Executive Committee from 1990 to 1992.

Over the course of his career, Mr. Shaughnessy has specialized in securities, insurance, aviation, bankruptcy, mass tort, and *qui tam* litigation. Mr. Shaughnessy was lead defense counsel for Pan American World Airways, Inc. in *In re Air Disaster at Lockerbie Scotland on December 21, 1988*, M.D.L. 799 (E.D.N.Y.), and tried the liability issues in that case on behalf of Pan Am to a jury for three months. More recently, Mr. Shaughnessy was Plaintiffs' Liaison Counsel in the Zyprexa mass tort litigation and was a member of the Plaintiffs' Steering Committee in the *Avandia* mass tort litigation.

Mr. Shaughnessy is a 1969 *cum laude* graduate of New York University School of Law where he was a member of the Order of the Coif, the Managing Director of the Moot Court Board, and a recipient of the Benjamin F. Butler Award upon graduation. Mr. Shaughnessy is admitted to practice in the States of New York, California, and New Jersey, as well as the United States Supreme Court and numerous other federal jurisdictions.

TODD KAMMERMAN focuses his practice on securities class action litigation, shareholder derivative litigation and commercial litigation. Mr. Kammerman's successful litigations include *In re CMS Energy Securities Litigation*, No. 02-72004 (E.D. Mich.) (\$200 million recovery); *In re Royal Dutch/Shell Transport ERISA Litigation*, No. 04-1398 (D.N.J.) (\$90 million recovery); *Scheiner v. i2 Technologies*, No. 01-0418 (N.D. Tex.) (\$87.8 million recovery); *In re Collins & Aikman Corporation Securities Litigation*, No. 03-71173 (E.D. Mich.) (\$10.8 million recovery), and *Mich II Holdings LLC v. Schron*, No. 600736/10 (Sup. Ct. N.Y. Cnty.) (represented certain defendants in connection with real estate dispute and successfully litigated motion to dismiss all claims against those defendants).

Mr. Kammerman played a pivotal role in the *In re Comverse Technology, Inc. Derivative Litigation*, No. 601272/06 (Sup. Ct. N.Y. Cnty.) (\$62 million recovery), particularly in drafting the appellate briefs which led to the seminal New York Appellate Division opinion, reported at 56 A.D.3d 49 (1st Dept 2008), clarifying the standards of demand

futility, and holding that a board of directors loses the protection of the business judgment rule where there is evidence of self-dealing and poor judgment by the directors. He was also a member of the team that litigated the appeal in *Tellabs, Inc. v. Makor Issues & Rights, Ltd.* before the United States Supreme Court, in which the Supreme Court issued an opinion defining the pleading standard for scienter in all federal securities fraud cases, and is reported at 551 U.S. 308 (2007).

While at Cardozo, Mr. Kammerman was named an Alexander Fellow, through which he worked as a judicial intern in the chambers of the Honorable Joseph A. Greenaway, Jr., United States District Judge in Newark, New Jersey. Mr. Kammerman is a member of the bars of the States of New York and New Jersey and is admitted to practice before the United States Courts of Appeals for the Third and Eleventh Circuits and the United States District Courts for the District of New Jersey, Southern and Eastern Districts of New York, and Eastern District of Michigan.

DAVID AZAR received his B.S. in Finance from Indiana University School of Business in 1991. He graduated from Duke University School of Law, *magna cum laude*, in 1999, where he was a member of the Order of the Coif (top 10% of the class). While in law school, he served as a senior editor of *Law and Contemporary Problems*, and was a member of the Moot Court Board. After law school, he clerked for Chief Justice Veasey of the Delaware Supreme Court.

Mr. Azar focuses his practice on class actions on behalf of defrauded investors and consumers, as well as disputes regarding contracts, partnerships, closely-held corporations, corporate governance, and other complex commercial matters for businesses and individuals. He also provides corporate counseling in pre-litigation and transactional matters, working with transactional or specialty counsel to provide a litigation perspective or to act as an outside general counsel.

Building upon his nine years of experience representing business enterprises and high-net-worth individuals at two of the most prominent business litigation firms, Mr. Azar has prosecuted several multiparty and other class actions that resulted in more than \$300 million in settlements during the past two years alone. Recent significant settlements include obtaining total recovery for

investors of \$219 million against Bank of New York Mellon and Wells Fargo in a securities fraud/breach of contract action, which reflected one of the largest recoveries against indenture trustees in United States history. In addition, Mr. Azar was part of the team that served as co-lead counsel in a class action resulting in \$86 million in settlements on behalf of airline passengers who alleged that Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and Korea. Mr. Azar's significant litigation experience includes first-chair trial and appellate work. He is also a contributing author of the *Antitrust Law Developments* (7th Edition), published by the ABA Section of Antitrust Law.

Mr. Azar serves as a volunteer prosecutor through the Los Angeles Bar Association's Trial Advocacy Project, and he has been named by *Los Angeles Magazine* as a Southern California Super Lawyers Rising Star. Mr. Azar has extensive knowledge of dispute resolution, having served as a mediator in more than 160 cases, and he has trained and reviewed other mediators. He served for five years as the editor of the quarterly publication of the Society of Professionals in Dispute Resolution, and was honored with the association's Presidential Recognition award.

PEGGY J. WEDGWORTH received a B.A. degree, in 1982 from Auburn University, and her J.D. degree from University of Alabama Law School in 1986. Ms. Wedgworth was an Assistant District Attorney in Brooklyn, New York from 1986 to 1989. Since leaving the public sector in 1989, she has handled various securities, commodities, and antitrust matters. She has litigated antitrust and commodities class actions on behalf of plaintiffs including extensive experience in all aspects of pre-trial and discovery in, among other cases, *In re Brand Name Prescription Drugs Antitrust Litigation*, No. 94-0897, 1996 WL 351180 (N.D. Ill. June 24, 1996) (approving \$351 million settlement); *In re NASDAQ Market-Makers Antitrust Litigation*, 187 F.R.D. 465 (S.D.N.Y. 1998) (\$1,027,000,000 settlement); *In re Microsoft Corp. Litigation*, MDL 1332 (D. Md.) (consolidated class actions alleging long term unlawful maintenance of a monopoly and other anticompetitive conduct by Microsoft resulting favorable partial settlements); *In re Soybean Futures Litigation*, No. 89-7009 (N.D. Ill.) (\$21,500,000 class settlement providing claiming class members/soybean futures traders a full

recovery under plaintiffs' expert's formula); *In re Sumitomo Copper Litigation*, 74 F. Supp. 2d 393, 395 (S.D.N.Y. 1999) ("The recovery is the largest class action recovery in the 75 plus year history of the Commodity Exchange Act."); *Kohen v. Pacific Investment Management Company, LLC*, No. 05-4681 (N.D. Ill.) (certified class of treasury bond futures purchasers alleging manipulation of the futures market); *Leider v. Ralfe*, No. 01-3137 (D.N.J.) (alleging price-fixing and monopolization in the diamond market by DeBeers resulting in a settlement of \$250,000,000 and extensive injunctive relief), and *In re Natural Gas Commodities Litigation*, 03-6186 (S.D.N.Y.) (\$101 million settlement). While a partner at her previous firm, she was involved in numerous antitrust cases including, *Air Cargo Shipping Services Antitrust Litigation*, *In re Digital Music Antitrust Litigation*, *In Re Chocolate Confectionary Antitrust Litigation*, *In re Aftermarket Filters Antitrust Litigation*, *In Re Rambus Antitrust Litigation*, and *In re Flash Memory Antitrust Litigation*. Ms. Wedgworth speaks on topics relating to antitrust litigation, most recently speaking to the New York State Bar, Antitrust Division in January 2008. She also has extensive experience in securities litigation including most recently *In re Initial Public Offering Securities Litigation*, which recently settled for \$586 million.

While in law school, Ms. Wedgworth was a member of the Moot Court Board and served as Manager of the National Moot Court Team.

ROLAND RIGGS focuses his practice on representing whistleblowers under the False Claims Act and the Dodd-Frank Act. He has represented whistleblowers in a number of industries, including the health care, banking, pharmaceutical, finance, construction, and defense industries. Mr. Riggs also represents defrauded investors and consumers. Among other cases, he currently represents investors in *In re Merck & Co. Securities Litigation*, and *In re Oppenheimer Rochester Funds Group Securities Litigation*, and consumers in *The NVIDIA GPU Litigation*. Prior to joining Milberg LLP, Mr. Riggs worked at a boutique firm in New York practicing securities litigation. During law school, Mr. Riggs served as a clerk for one summer for the Honorable Alfred V. Covello of the United States District Court for the District of Connecticut. He later worked at McLaughlin & McCaffrey, LLP in Cleveland, Ohio in the areas of commercial

litigation and white collar criminal defense, and did pro bono corporate work representing charities at the Milton A. Kramer Law Clinic.

HENRY KELSTON received a B.S. degree, *cum laude*, from Tufts University in 1975, and a J.D. degree from New York University School of Law in 1978, where he was a member of the *Annual Survey of American Law*.

Mr. Kelston's practice is concentrated in the areas of complex litigation and electronic discovery. He has extensive experience in state and federal court litigation, administrative proceedings, and arbitrations. Mr. Kelston is a regular speaker and CLE presenter on electronic discovery. He is a member of The Sedona Conference® Working Group 1 on Electronic Document Retention and Production. Prior to joining Milberg, he practiced at Proskauer Rose in New York and Siegel, O'Connor & Kainen in Connecticut.

Mr. Kelston is admitted in the United States District Courts for the Southern and Eastern Districts of New York and the District of Connecticut.

OF COUNSEL

MICHAEL C. SPENCER graduated from Yale University in 1973 with a B.A. degree, *magna cum laude*, with distinction, in philosophy. While at Yale, he was elected to Phi Beta Kappa. Mr. Spencer received a J.D. degree from Harvard Law School, *cum laude*, in 1976.

Mr. Spencer has prosecuted a broad range of cases at Milberg LLP, with an emphasis on representing plaintiffs in class and other representative actions involving complex financial issues.

He was one of the principal trial counsel for plaintiffs in *In re Vivendi Universal, S.A. Securities Litigation* (S.D.N.Y.), a securities fraud class action in which the jury returned a verdict for the plaintiffs in January 2010. He is presently handling post-trial motions and defendant's anticipated appeal. The case is notable for the size of the verdict and for inclusion of investors from France, England, and the Netherlands, as well as the United States, in the certified class.

Mr. Spencer has handled many other securities cases at the Firm, including those against defendants in the fields of technology, real estate, finance, leasing, manufacturing, and pharmaceuticals. His first exposure to this type of case was in the precedent-setting "WPPSS" litigation in the late 1980s, which involved bond defaults on nuclear power plants in the Pacific Northwest and established the blueprint for prosecuting many complex securities class actions that followed.

Mr. Spencer has also led the Firm's prosecution of other cases in diverse fields. He was one of two principal trial counsel representing the FDIC in its year-long trial against a major accounting firm involving failed-bank audits, which led to a global settlement covering all government claims just before closing arguments to the jury. He has prosecuted consumer and securities claims against companies that sold deferred annuities unsuitable for retirement plan investors. He has taken appraisal and breach of fiduciary duty cases to trial in Delaware and Pennsylvania. He had extensive involvement in representing a coalition of union health care funds

seeking to recover costs for treating smoking-related illnesses from the tobacco industry, pursuing the cases through several appeals. He has also represented plaintiffs in cases involving accounting malpractice, limited partnership investments, real estate closing fees and mortgage insurance, contract disputes, defamation, unlawful lotteries, and consumer deception.

Mr. Spencer began his legal career as a law clerk to U.S. District Judge Wm. Matthew Byrne Jr. in Los Angeles (1976-77). He then returned to New York and joined Cravath, Swaine & Moore as an associate, where he worked until 1986, when he joined Milberg as an associate and became a partner later that year. Mr. SPENCER graduated from Yale University in 1973 with a B.A. degree, *magna cum laude*, with distinction, in philosophy. While at Yale, he was elected to Phi Beta Kappa. Mr. Spencer received a J.D. degree from Harvard Law School, *cum laude*, in 1976.

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Mr. Spencer began his legal career as a law clerk to U.S. District Judge Wm. Matthew Byrne Jr. in Los Angeles (1976-77). He then returned to New York and joined Cravath, Swaine & Moore as an associate, where he worked until 1986, when he joined Milberg as an associate and became a partner later that year.

PAUL J. ANDREJKOVICS graduated from Union College, Schenectady, NY, in 1992, *Phi Beta Kappa*, *magna cum laude*, with a B.A. degree in political science. In 1995, Mr. Andrejkovics received his J.D. degree from Albany Law School.

Mr. Andrejkovics's practice concentrates on class action settlements and settlement administration. He was admitted as a member of the New York bar in 1996 and is admitted to practice before the United States District Court for the Northern, Southern, and Eastern Districts of New York.

SENIOR COUNSEL

JENNIFER S. CZEISLER graduated from Hofstra University in 1994 with a B.A. degree in psychology. After completing graduate degree work at Hunter School of Social Work (1994-95), she pursued a J.D. degree, which she earned in 1999 from the University of Miami School of Law, where she graduated *cum laude*. Ms. Czeisler was on the editorial board of the *Law Review of Psychology, Public Policy & Law* and earned numerous awards, including the CALI excellence for the Future Award, Dean's Certificate of Achievement Award, and membership in the Phi Delta Phi National Honor Society.

Ms. Czeisler is admitted to practice in the State of New York and is a member of the American Bar Association, where she is committed to her *pro bono* work with the American Bar Association Commission on Legal Problems of the Elderly.

Mr. Levy is admitted to the state bars of New Jersey and New York, and is admitted to practice in the United States District Court for the Southern District of New York and the District of New Jersey

ELIZABETH MCKENNA focuses her practice primarily on antitrust litigation as well as on securities class action litigation on behalf of

defrauded individuals and institutional investors. Prior to joining Milberg, Ms. McKenna was an associate in the New York office of Healy & Baillie, LLP (now part of Blank Rome LLP), where she practiced general commercial litigation. Ms. McKenna graduated from Fordham Law School in 1998. While at Fordham, she was a Stein Scholar in Public Interest Law & Ethics, a member of the *Fordham Environmental Law Journal*, and a Co-Director of the Fordham Student Sponsored Fellowship. Ms. McKenna is admitted to practice in the state courts of New York and in the United States District Courts for the Southern and Eastern Districts of New York.

CHARLES SLIDDERS received his L.L.B. from Melbourne University in 1994, with honors, and his L.L.M. from Monash University in 2002. Mr. Slidders is an experienced commercial litigator with almost fifteen years of litigation experience. Prior to joining Milberg in 2008, Mr. Slidders was the principal and founding partner of one of Melbourne, Australia's premier boutique commercial litigation firms. He has frequently appeared in Australia's mainstream media in relation to his legal work.

Mr. Slidders has significant experience in plaintiffs' and class action litigation. He has acted in a variety of matters involving Australia's antitrust (trade practices) laws, corporations law, and general business and property law.

Mr. Slidders has been influential in shaping the law in Australia. He precipitated the retrospective amendment of Victoria's domestic building laws after finding a loophole in the legislation that he successfully litigated before the Supreme Court of Victoria. He also initiated one of Australia's largest multiparty claims alleging breach of fiduciary duties by property developers.

Mr. Slidders' firm was preferred counsel for Victoria's farming community through the Victorian Farmers Federation - the body representing more than 20,000 Victorian farmers. He has acted in agribusiness matters involving trade practices issues against multinational grain trade companies (disputes involving hundreds of millions of dollars of derivative contracts on the CBOT). He has also advised shareholders in a derivative dispute with the management of one of Australia's leading egg wholesalers.

Mr. Slidders is admitted to the bar of New York and is admitted to practice law in Victoria, Australia.

ALASTAIR FINDEIS has extensive litigation experience, including representing accused infringers and healthcare purchasing entities in pharmaceutical patent and antitrust cases. He also has extensive

experience representing whistleblowers in actions under the False Claims Act, including a significant role in the firm's *Mason v. Medline* case, which returned \$85 million to the federal Treasury, including a \$23.375 million (27.5%) share to the whistleblower.

Mr. Findeis leads Milberg's team in the representation of New York's Nassau County in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, and is part of the team representing a class of end-purchasers in *In re Androgel Antitrust Litigation (II)*, currently on appeal in the U.S. Court of Appeals for the Eleventh Circuit. He has substantial courtroom experience in all phases of litigation and has successfully argued case-dispositive motions in state and federal courts, including sharing an oral argument with Professor Arthur Miller.

Mr. Findeis graduated from the Georgetown University Law Center in 2003 and has a BS in Biology (with Honors) from the Virginia Military Institute and an MS in Microbiology from the University of Virginia. After graduating from VMI, Mr. Findeis joined Britain's Royal Navy as a Sub-Lieutenant, graduating from the Britannia Royal Naval College and serving on *HMS London*.

Prior to joining Milberg, Mr. Findeis gained extensive experience in patent and other pharmaceutical litigation at Kenyon & Kenyon LLP and Cooley LLP.

Mr. Findeis is admitted to the bars of New York, the District of Columbia, California and Michigan.

ASSOCIATES

ANGELA G. BONGIORNO received her J.D. from Catholic University of Milan Law School in 2004 and her L.L.M. from Fordham University School of Law in 2008.

Ms. Bongiorno focuses her practice on mass torts, antitrust litigation, and institutional investor and client outreach. Prior to joining Milberg, she worked for an Italian law firm specializing in consumer law. Ms. Bongiorno also has conducted various research projects concerning the implementation of European Union regulations in Member States for the Italian Embassy of Malta and for Fondazione Rosselli, a think tank for Italian and European governmental bodies.

While in law school, Ms. Bongiorno interned with the Italian Embassy of Malta during Malta's accession to the European Union. She is fluent in Italian and conversant in Spanish.

Ms. Bongiorno is admitted to practice in the courts of the State of New York.

MELISSA R. CLARK focuses her practice on securities class actions and shareholder derivative and privacy litigation.

Prior to joining Milberg, Ms. Clark was an associate at a boutique firm in New York, where she was part of a securities litigation team that recovered several multimillion-dollar settlements on behalf of investors.

Her legal work experience also includes judicial externships with the Honorable Jerry Brown, Chief Judge of the United States Bankruptcy Court, Eastern District of Louisiana and the Honorable Jay C. Zainey of the United States District Court, Eastern District of Louisiana. In addition, Ms. Clark clerked for the San Francisco District Attorney's Office.

While at Tulane Law, Ms. Clark was a Senior Justice and Chairperson for the Moot Court Board and a Legal Research & Writing Senior Fellow. Ms. Clark also studied for one semester at UC Berkeley - Boalt Hall, where she received high honors in Securities & Class Action Litigation and was a visiting member of the *California Law Review*.

Ms. Clark is admitted to practice in the state of New York, as well as the United States District Courts for the Southern and Eastern Districts of New York. She is an active member of the New York City Bar Association, the Federal Bar Council, and the New York State Bar Association, where she serves on the Law, Youth & Citizenship Committee and Mock Trial subcommittee. Ms. Clark was recently recognized as a New York Super Lawyers "Rising Star."

DIANA GJONAJ focused her practice primarily on antitrust litigation, targeting illegal and anti-competitive practices on behalf of consumers and investors. She received her Bachelor Degree, *cum laude*, from the University of Michigan and her Juris Doctor from Wayne State University Law School. During law school, Ms. Gjonaj clerked for Milberg LLP in the Firm's Detroit office. Ms. Gjonaj is no longer with the firm.

Ms. Gjonaj is admitted to practice in the state courts of Michigan, the United States District Court for the Eastern District of Michigan and the United States Court of Appeals for the Sixth Circuit. She is a member of the American Bar Association, Women's Lawyer Association of Michigan, and Michigan Association for Justice.

ROLANDO G. MARQUEZ returns to Milberg as a member of its False Claims Act practice area and continues to represent private whistleblowers in sealed and unsealed actions brought pursuant to the federal False Claims Act (*qui tam* actions) as well as the parallel false claims statutes of various states.

Mr. Marquez's representative False Claims Act matters include *Mason v. Medline* (resulting in a recovery of \$85 million for the United States in a non-intervened case arising from unlawful kickbacks, bribes, and other illegal remuneration to induce health care providers to continue to purchase defendant's medical supplies, including supplies paid for with government funds tainted by the kickbacks) and *United States ex rel. Marchese v. Cell Therapeutics, Inc.* (resulting in a \$10.5 million recovery for the United States in

an intervened action arising from the unlawful off-label promotion of the cancer drug Trisenox).

From December 2012 to March 2014, Mr. Marquez was a Senior Litigation Counsel in a boutique New York class-action firm as a member of its False Claims Act practice group. Mr. Marquez was part of the co-counsel team that litigated one of the largest *qui tam* lawsuits ever to settle on a non-intervened basis against Omnicare, Inc., the nation's largest provider of pharmacy services to nursing home patients, and which returned \$120 million to the United States Treasury to resolve kickback and false-claims allegations. In addition, Mr. Marquez represented a whistleblower in an action against a medical device manufacturer in which it sold products to the government that were made in countries not designated as trade partners of the United States in violation of the Trade Agreements Act.

Before he started in the False Claims Act arena, Mr. Marquez was part of the Milberg team that served as co-lead plaintiffs' counsel in *In re Tyco International, Ltd. Securities Litigation*, one of the largest securities fraud and accountant liability class action suits ever to settle, recovering over \$3.2 billion for the company's injured shareholders.

Prior to joining Milberg initially, Mr. Marquez was an associate at a boutique New York patent firm, where he concentrated on patent litigation matters involving medical device, computer software, and consumer electronic device technologies.

Mr. Marquez received a B.S. degree from Brown University in 1994 and his M.S. degree from New York University in 1998. In 2003 he received his J.D. degree from Fordham University School of Law.

Mr. Marquez is admitted to practice in the state courts of New York as well as in the United States District Courts for the Southern and Eastern Districts of New York and the United States Patent and Trademark Office.

BIRT REYNOLDS represents defrauded consumers and investors in class actions. He also represents whistleblowers in False Claims Act litigation. Before joining Milberg, Mr. Reynolds clerked for a magistrate judge in the Middle District of Florida, as well as Florida appellate and trial court judges.

Mr. Reynolds graduated with a B.A. from the University of South Florida in 2000. In 2004, he

earned his J.D. from Case Western Reserve University School of Law. Mr. Reynolds is admitted to practice in the state courts of Florida and New York.

CHRISTOPHER SCHUYLER focuses his practice on False Claims Act litigation, consumer class actions, and e-discovery.

Before joining Milberg, Mr. Schuyler clerked with the Fortune Society, a New York City non-profit organization focused on providing an alternative to incarceration for non-violent offenders. While in law school, he co-chaired a student organization promoting pro bono legal assistance to indigent members of the community, a role for which he was awarded a university scholarship for public service.

Mr. Schuyler graduated from Temple University, *cum laude*, with a B.A. degree in 2007. In 2011 he earned his J.D. degree from the University of Dayton School of Law. Mr. Schuyler is a member of the bar of the State of New York and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York.

ROY SHIMON focuses his practice on securities and stockholder derivative litigation, litigating cases in both state and federal courts. Mr. Shimon also has experience in the areas of insider trading and ERISA litigation. In 2014, *Super Lawyers* recognized him as a "Rising Star" in the New York Metro area.

Mr. Shimon was part of teams that recovered substantial benefits on behalf of stockholders and employee investors in *In re Popular Inc. ERISA Litigation* (D.P.R.) (settlement valued at \$8.2 million) and *Shanehchian, et al. v. Macy's Inc.* (S.D. Ohio) (settlement valued at \$8.5 million).

Mr. Shimon graduated with honors from Franklin & Marshall College in 2003, where he was inducted into the Pi Sigma Alpha and Alpha Kappa Delta National Honor Societies. He received his J.D. from St. John's University School of Law in 2006, where he served on the Executive Board of the Moot Court Honor Society and as Vice President of the Entertainment & Sports Law Society.

Mr. Shimon is admitted to practice in the state and federal courts of New York.

JOHN HUGHES focuses his practice on antitrust litigation, consumer protection, and e-discovery.

Mr. Hughes graduated from Michigan State University with a B.A. in Political Science in 2005.

In 2012, he earned his J.D. degree from Wayne State University School of Law.

Mr. Hughes is admitted to practice in Michigan.

During law school, Mr. Hughes served as Director of The Free Legal Aid Clinic in Detroit, Co-managing a facility that specializes in providing family and elder law services to city residents. Prior to joining Milberg, John helped lead a non-profit organization with a presence in New York City, Detroit, and Los Angeles that focused on providing support of creative communities.

EXHIBIT B

IN RE: LITHIUM ION BATTERIES INDIRECT
TIME REPORT- MONTHLY

Firm Name: Milberg LLP

Reporting Period: June 1, 2013 thru February 28, 2017

- Categories:
- (1) Investigations, Factual Research
 - (2) Drafting Discovery Requests
 - (3) Drafting Discovery Answers/Responses
 - (4) Deposition Taking
 - (5) Deposition Defending
 - (6) Discovery Meet & Confer
 - (7) Document Review
 - (8) Drafting Pleadings, Briefs & Pretrial Motions
 - (9) Reading/Reviewing Pleadings, Briefs, Discovery, Transcripts, etc.
 - (10) Class Certification/Experts
 - (11) Litigation Strategy, Analysis & Case Management
 - (12) Negotiating Settlements
 - (13) Trial and Trial Preparation
 - (14) Court Appearance and Prep

- (P) Partner
- (SC) Senior Counsel
- (A) Associate
- (CA) Contract Attorney
- (FA) Financial Analyst
- (INV) Investigator
- (IAC) Investor Analysis & Class Communication
- (DC) Document Clerk

ATTORNEYS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Hourly Rate	Current Hours	Historical Amount	Cumulative Hours	Cumulative Historical
Novak, Paul F. (P)	0.00	0.00	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$800	0.50	\$400.00	0.50	\$400.00
Glonaj, Diana (A)	0.00	0.00	33.30	0.00	1.50	0.00	0.00	0.00	3.40	0.00	3.40	0.00	0.00	0.00	\$350	41.60	\$14,560.00	41.60	\$14,560.00
SUB-TOTAL	0.00	0.00	33.80	0.00	1.50	0.00	0.00	0.00	3.40	0.00	3.40	0.00	0.00	0.00		42.10	\$14,960.00	42.10	\$14,960.00
NON-ATTORNEYS																			
Briker, Halene (PL)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.70	0.00	0.00	0.00	\$325	0.70	\$227.50	0.70	\$227.50
SUB-TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.70	0.00	0.00	0.00		0.70	\$227.50	0.70	\$227.50
GRAND TOTAL:	0.00	0.00	33.80	0.00	1.50	0.00	0.00	0.00	3.40	0.00	4.10	0.00	0.00	0.00		42.80	\$15,187.50	42.80	\$15,187.50

EXHIBIT C

EXHIBIT D

(REDACTED)

Time Summary & Detail Report @ Current Rates Milberg LLP Page 1 (1)
 Run Date: 05/23/17 Unbilled Time & Disbursements by Transaction Date From 06/01/2013 thru 02/28/2017
 Client: 012167
 Matter: 012167-00001 LITHIUM ION BATTERY ANTITRUST Proforma No: 130671
 Billing Attorney: WEDGWORTH, PEGGY
 Supervising Attorney: MCKENNA, ELIZABETH

Accounts Receivable		Time		Disbursements		Billed	Uncollected	Last Payment
Number	Date	Thru	Hours	Relieved	Thru	Relieved		
-----Timekeeper-----								
No.	Name		Title	Latest Diary	Task Code	Hours	Rate	Amount
01903	BRICKER, HALENE		PARALEGAL	03/11/16	11	0.70	325.00	227.50
01896	GJONAJ, DIANA		ASSOCIATE	03/21/16	11	3.40	350.00	1,190.00
TOTAL 11						4.10		1,417.50
01896	GJONAJ, DIANA		ASSOCIATE	03/21/16	3	33.30	350.00	11,655.00
01212	NOVAK, PAUL F.		PARTNER	03/19/16	3	0.50	800.00	400.00
TOTAL 3						33.80		12,055.00
01896	GJONAJ, DIANA		ASSOCIATE	03/21/16	5	1.50	350.00	525.00
TOTAL 5						1.50		525.00
01896	GJONAJ, DIANA		ASSOCIATE	03/21/16	9	3.40	350.00	1,190.00
TOTAL 9						3.40		1,190.00
Total - Time						42.80		\$15,187.50

TASK CODES

- 1 Investigations, Factual Research
- 2 Drafting Discovery Requests
- 3 Drafting Discovery Answers/Responses
- 4 Deposition Taking
- 5 Deposition Defending
- 6 Discovery Meet & Confer
- 7 Document Review
- 8 Drafting Pleadings, Briefs & Pretrial Motions
- 9 Reading/Reviewing Pleadings, Briefs, Discovery, Transcripts, etc.
- 10 Class Certification/Experts
- 11 Litigation Strategy, Analysis & Case Management

Time Summary & Detail Report @ Current Rates Milberg LLP Page 2 (2)
Run Date: 05/23/17 Unbilled Time & Disbursements by Transaction Date From 06/01/2013 thru 02/28/2017
Client: 012167 [REDACTED] Proforma No: 130671
Matter: 012167-00001 LITHIUM ION BATTERY ANTITRUST
Billing Attorney: WEDGWORTH, PEGGY
Supervising Attorney: MCKENNA, ELIZABETH

- 12 Negotiating Settlements
- 13 Trial and Trial Preparation
- 14 Court Appearance and Prep

Time Summary & Detail Report @ Current Rates Milberg LLP Page 3 (3)
Run Date: 05/23/17 Unbilled Time & Disbursements by Transaction Date From 06/01/2013 thru 02/28/2017
Client: 012167 [REDACTED] Proforma No: 130671
Matter: 012167-00001 LITHIUM ION BATTERY ANTITRUST
Billing Attorney: WEDGWORTH, PEGGY
Supervising Attorney: MCKENNA, ELIZABETH

Disbursement Name		Amount
Network Printing	R0210	579.00
Legal Research	R0245	808.27
Total - Disbursements		\$1,387.27

Time Summary & Detail Report @ Current Rates Milberg LLP Page 4 (4)
 Run Date: 05/23/17 Unbilled Time & Disbursements by Transaction Date From 06/01/2013 thru 02/28/2017
 Client: 012167 [REDACTED] Proforma No: 130671
 Matter: 012167-00001 LITHIUM ION BATTERY ANTITRUST
 Billing Attorney: WEDGWORTH, PEGGY
 Supervising Attorney: MCKENNA, ELIZABETH

Timekeeper Name	ID	Work Date	Time Description	Hours	Amount	Task Code	Batch Date	TimeCard Index No.
GJONAJ, DIANA	01896	06/12/14	Read & reviewed materials for Draft update letter and send to class reps	0.50	175.00	11	07/30/14	4680773
BRICKER, HALENE	01903	09/24/14	Review S. Williams' preservation declaration letter and current version of plaintiff questionnaire; identify additional information needed, if any, to complete current proposed class rep questionnaire.	0.70	227.50	11	09/29/14	4702127
GJONAJ, DIANA	01896	10/06/14	Call with P. Novak and co-counsel re: declaration of [REDACTED].	0.50	175.00	11	12/03/14	4713230
GJONAJ, DIANA	01896	10/07/14	Draft e-mail correspondence to class rep, Valentina [REDACTED]	0.50	175.00	11	12/03/14	4713246
GJONAJ, DIANA	01896	10/08/14	Call with class rep, [REDACTED]	0.20	70.00	11	12/03/14	4713247
GJONAJ, DIANA	01896	10/09/14	E-mail correspondence with [REDACTED] re: doc retention and declaration.	0.20	70.00	11	12/03/14	4713258
GJONAJ, DIANA	01896	03/12/16	Corres. w/ Krysta Pachman and Demetrius Lambrinos re: discovery issues	1.00	350.00	11	04/29/16	4782924
GJONAJ, DIANA	01896	03/21/16	[REDACTED]	0.50	175.00	11	04/29/16	4782973
----- TOTAL - 11 -----				4.10	\$1,417.50			
1								
NOVAK, PAUL F.	01212	04/23/15	Communications w/J. Prince and D. Gjonaj re call w/client to respond to discovery requests.	0.50	400.00	3	06/02/15	4742563
GJONAJ, DIANA	01896	04/24/15	Emails/calls re: [REDACTED] discovery responses.	2.00	700.00	3	06/09/15	4743539
GJONAJ, DIANA	01896	05/05/15	Call to client [REDACTED] re: discovery Response, draft email re: same.	0.40	140.00	3	06/25/15	4746289
GJONAJ, DIANA	01896	05/05/15	Email with Josh Prince Re: follow-up to discovery responses.	0.40	140.00	3	05/18/17	4818335
GJONAJ, DIANA	01896	05/09/15	Contact client [REDACTED] re: interrogatory response per David Young	0.50	175.00	3	06/25/15	4746298
GJONAJ, DIANA	01896	05/10/15	Review [REDACTED] interrogatory response	1.50	525.00	3	06/25/15	4746299

Time Summary & Detail Report @ Current Rates Milberg LLP Page 5 (5)
 Run Date: 05/23/17 Unbilled Time & Disbursements by Transaction Date From 06/01/2013 thru 02/28/2017
 Client: 012167 [REDACTED] Proforma No: 130671
 Matter: 012167-00001 LITHIUM ION BATTERY ANTITRUST
 Billing Attorney: WEDGWORTH, PEGGY
 Supervising Attorney: MCKENNA, ELIZABETH

Timekeeper Name	ID	Work Date	Time Description	Hours	Amount	Task Code	Batch Date	TimeCard Index No.
			drafted by David Young. Forward to Juncaj for confirmation and signature. Call with [REDACTED] re: same.					
GJONAJ, DIANA	01896	05/11/15	Contact with client re: interrogatory response. Call with David Young and correspondance with Josh Prince re same.	1.50	525.00	3	06/25/15	4746301
GJONAJ, DIANA	01896	05/12/15	Corres. With [REDACTED] re: verification	1.00	350.00	3	06/25/15	4746306
GJONAJ, DIANA	01896	06/08/15	Follow up regarding email from Josh Prince and class rep discovery.	2.00	700.00	3	08/24/15	4755396
GJONAJ, DIANA	01896	09/15/15	Follow-up with client regarding additional info for RFP's	1.50	525.00	3	11/02/15	4764670
GJONAJ, DIANA	01896	09/17/15	Call with client [REDACTED] to discuss supp. document production/ review same	1.50	525.00	3	11/02/15	4764749
GJONAJ, DIANA	01896	01/22/16	Meet with client regarding document production	3.00	1,050.00	3	03/08/16	4777834
GJONAJ, DIANA	01896	02/09/16	Pull and review all relevant documents for deposition prep.	2.50	875.00	3	05/18/17	4818336
GJONAJ, DIANA	01896	02/09/16	Contact with class representative [REDACTED] re deposition.	0.50	175.00	3	04/01/16	4780704
GJONAJ, DIANA	01896	02/11/16	Review Stipulated protective order.	0.50	175.00	3	04/01/16	4780710
GJONAJ, DIANA	01896	02/11/16	Email to [REDACTED] re stipulated protective order.	0.50	175.00	3	05/18/17	4818337
GJONAJ, DIANA	01896	02/11/16	Call with [REDACTED] to dicuss Protective order.	0.50	175.00	3	05/18/17	4818338
GJONAJ, DIANA	01896	02/12/16	Call with [REDACTED] re: additional document requests and clarification (1.00); follow up with Krysta (0.50)	1.50	525.00	3	04/01/16	4780713
GJONAJ, DIANA	01896	02/16/16	Review to protective order (0.40); follow up email with Krysta Pachman re: same (0.60)	1.00	350.00	3	04/01/16	4780716
GJONAJ, DIANA	01896	02/26/16	Follow-up with Krysta Pachman and client [REDACTED] re: discovery requests	2.00	700.00	3	04/01/16	4780733

Time Summary & Detail Report @ Current Rates Milberg LLP Page 6 (6)
 Run Date: 05/23/17 Unbilled Time & Disbursements by Transaction Date From 06/01/2013 thru 02/28/2017
 Client: 012167 Matter: LITHIUM ION BATTERY ANTITRUST Proforma No: 130671
 Billing Attorney: WEDGWORTH, PEGGY
 Supervising Attorney: MCKENNA, ELIZABETH

Timekeeper Name	ID	Work Date	Time Description	Hours	Amount	Task Code	Batch Date	TimeCard Index No.
			and clarification of earlier requests					
GJONAJ, DIANA	01896	03/07/16	Review supplemental rogs (2.00); discuss the same w. [REDACTED] (1.00)	3.00	1,050.00	3	04/29/16	4782910
GJONAJ, DIANA	01896	03/09/16	Call w/ [REDACTED] to discuss supplemental rogs responses	1.00	350.00	3	04/29/16	4782917
GJONAJ, DIANA	01896	03/10/16	Correspondence with Krysta Pachman re: discovery and deposition dates.	1.00	350.00	3	04/29/16	4782920
GJONAJ, DIANA	01896	03/10/16	Pull/print corres. w/client for deposition prep.	2.00	700.00	3	05/18/17	4818339
GJONAJ, DIANA	01896	03/10/16	Call with v. [REDACTED] re: discovery and deposition dates.	1.00	350.00	3	05/18/17	4818340
GJONAJ, DIANA	01896	03/11/16	Correspondence with Krysta Pachman re: discovery and deposition dates.	1.00	350.00	3	04/29/16	4782922
			TOTAL - 3	33.80	\$12,055.00			
3								
GJONAJ, DIANA	01896	03/15/16	Corres. w/ Krysta Pachman and [REDACTED] re: deposition	1.00	350.00	5	04/29/16	4782928
GJONAJ, DIANA	01896	03/17/16	Corres. w/ [REDACTED] re: deposition	0.50	175.00	5	04/29/16	4782969
			TOTAL - 5	1.50	\$525.00			
5								
GJONAJ, DIANA	01896	09/24/14	Review new questionnaire vs last week (1.00); contact [REDACTED] re same (0.50)	1.50	525.00	9	11/10/14	4709462
GJONAJ, DIANA	01896	01/25/16	Review class cert briefing per P. Novak.	1.90	665.00	9	03/08/16	4777843
			TOTAL - 9	3.40	\$1,190.00			
9								
			TOTAL - TIME	42.80	\$15,187.50			

TASK CODES

EXHIBIT E

NAME: Milberg LLPPERIOD: June 1, 2013 thru February 28, 2017IN RE: LITHIUM ION BATTERIES INDIRECT
EXPENSE REPORT

<u>Description</u>	<u>DESCRIPTION (if necessary)</u>	<u>Prior Costs</u>	<u>Current Costs</u>	<u>Cumulative Costs</u>
Litigation Assessment		\$0.00	\$0.00	\$0.00
Court Costs		0.00	0.00	0.00
Experts/Consultants		0.00	0.00	0.00
Federal Express		0.00	0.00	0.00
Hearing Transcripts		0.00	0.00	0.00
Investigation		0.00	0.00	0.00
Lexis/Westlaw		0.00	808.27	808.27
Messenger/Delivery		0.00	0.00	0.00
Photocopies - In-House		0.00	579.00	579.00
Photocopies - Outside		0.00	0.00	0.00
Postage		0.00	0.00	0.00
Service of Process		0.00	0.00	0.00
Special Supplies		0.00	0.00	0.00
Telephone/telecopier		0.00	0.00	0.00
Travel		0.00	0.00	0.00
Miscellaneous		0.00	0.00	0.00
Total Expenses		\$0.00	\$1,387.27	\$1,387.27