

Plaintiffs' Complaints and Fact Discovery

4. At the inception of the case, my firm conducted initial and extensive research into the facts and circumstances that gave rise to this lawsuit (including but not limited to, the intersection of patent and antitrust law, the Hatch-Waxman legislation, and the doctrine of Noerr-Pennington); reviewed relevant S.E.C. filings by defendants, as well as voluminous pleadings in relevant patent litigations; prepared the initial complaint for class representative Louisiana Wholesale Drug Company; organized and oversaw scheduling conferences with defendants and co-counsel; drafted or edited various document requests and interrogatories to Defendants Geneva Pharmaceuticals, Inc. ("Geneva"), Abbott Laboratories ("Abbott"), and Zenith Goldline Pharmaceuticals, Inc. ("Zenith"); drafted or edited responses to defendants' various document requests and interrogatories; organized and participated in several document productions (reviewing and summarizing thousands of pages of documents); and helped to create and maintain a large electronic database of relevant documents. We also assisted in opposing Zenith's motions: 1) for a protective order to shield it from further discovery, and 2) to compel documents from our client, Louisiana Wholesale Drug Company.

5. As discovery proceeded to the fact deposition phase, my firm was centrally involved in the depositions of numerous key witnesses. Specifically, I deposed Geneva's in-house counsel, Jeremiah McIntyre, who was a central figure in the formation of Geneva's agreement with Abbott. Mr. McIntyre also authored the February 2, 1998 Geneva Board minutes that formed the linchpin of Geneva's defense that it would not have come to market, even absent the Agreement with Abbott, until an appellate decision in the '207 patent suit, because of

Geneva's supposed fear of patent infringement liability.¹ I also participated in the deposition of Bruce Basarab, former senior vice president of sales and marketing, who was involved in the negotiation or the agreement, as well as, *inter alia*, Geneva's representations to its customers shortly before the Agreement regarding the "impending launch" of its generic terazosin product (despite the fact that even the district court had not yet ruled on pending summary judgment motions in the '207 patent suit at that time).

6. Moreover, my firm handled the depositions of the Geneva witnesses knowledgeable about the other principal causation defense propounded by Defendants – i.e., that with or without the Abbott-Geneva Agreement, Geneva could not have come to market any earlier than it actually did because it had technical problems validating its product and building commercial quantities. These depositions were critical because Defendants' claim that the Agreement caused no delay in generic entry, if fully accepted by the jury, would preclude Plaintiffs and the Class from recovering any damages, even if the Agreement was illegal.

7. In order to effectively conduct these depositions, my firm had to become highly educated about such complex and technical issues as: how to manufacture generic pharmaceutical products; how a generic company "validates" its products (i.e., ensures that it can make commercial quantities of product that uniformly meet all of the specifications set forth in the Company's ANDA); how hard "agglomerates" can form and how manufacturers can remove and/or prevent the formation of such agglomerates ; the "polymorphic" nature of terazosin hydrochloride, and how Geneva and its active ingredient supplier (Uetikon) could ensure that

¹We believe that the testimony elicited in Mr. McIntyre's deposition belies Defendants' argument.

Geneva's product uniformly contained the proper polymorph (Form IV terazosin); and the manufacturing capabilities of Uetikon. Prior to taking these depositions, my firm consulted closely with Martha Bennett, an experienced consultant who regularly assists pharmaceutical manufacturers in addressing issues relating to agglomerates and polymorphs (among other things).

8. After learning about these areas, I deposed each of the Geneva witnesses most knowledgeable about these areas: George Heiler (Geneva's liaison with Uetikon and its U.S. agent, Byron Chemical Co.); Sandy Tigner (Geneva's validation manager); and Joan Fiore (the product manager for terazosin hydrochloride), all of whom were closely involved in Geneva's validation efforts and/or efforts to obtain sufficient quantities to commercially launch its generic product. Additionally, I deposed Laura Candela, who, as Vice President of Byron, was the principal contact between Geneva and Uetikon, and an important witness concerning Geneva's ability to validate and manufacture its product. Also, as detailed further below, I deposed Geneva's expert witnesses on validation/polymorph issues, and defended Ms. Bennett, Plaintiffs' expert, at her deposition.

9. I also participated in various other depositions, including the depositions of Abbott witness Paul Clark, the former head of Abbott's Pharmaceutical Products Division; Joseph Fiske, the director of pricing and contracting in the division; and Michael Kenston, the director of commercial analysis in the division.

Summary Judgment Motions

10. My firm also was involved in reviewing and editing plaintiffs' initial motion for

partial summary judgment (the *per se* motion). We also were active in opposing Zenith's motion for summary judgment.

11. After the Eleventh Circuit reversed this Court's initial *per se* decision, my firm, in collaboration with David Sorensen of Berger & Montague and Michael Heim and Russell Chorush of Conley Rose (who are experienced and insightful patent law practitioners), formulated the arguments/strategy for plaintiffs' renewed motion for partial summary judgment. Specifically, after thoroughly researching the relevant Federal Circuit law regarding the "on sale bar" and the standards for obtaining a preliminary injunction or stay – and working closely with our patent law expert, Prof. Polk Wagner – we drafted/edited the briefs related to plaintiffs' motion for a ruling that the exclusionary scope of the Agreement's restraints exceeded the exclusionary scope of Abbott's '207 patent. In particular, counsel focused on the provision excluding Geneva from the market even after Abbott's '207 patent was declared invalid, and argued that this provision exceeded the exclusionary potential of the '207 patent because, *inter alia*, Abbott could not have obtained such exclusion solely with its '207 patent (since it could not have obtained a preliminary injunction or stay, from either the district court in the '207 case or the Federal Circuit, that covered a period that continued even after the district court held the '207 patent invalid).

12. I argued plaintiffs' motion for partial summary judgment before the Court on August 2, 2004. On January 5, 2005, the Court granted plaintiffs' motion for partial summary judgment.

13. Moreover, in connection with these patent issues, I: (a) deposed defendants' proffered expert, former federal judge John Martin, Jr., regarding his report about the '207 patent

case; (b) drafted the briefs seeking (and obtaining) the exclusion of Mr. Martin's proposed testimony from trial; (c) participated in the review/editing of numerous patent expert reports by Prof. Wagner, as well as defending Prof. Wagner at various depositions; and (d) participated in the depositions of Defendants' patent law expert, James Gould.

14. In addition, I was heavily involved in formulating the strategy for, and editing, plaintiffs' memoranda in opposition to defendants' motions for summary judgment regarding the earliest dates Geneva and Mylan would have entered the market with their generic products. The Court denied Defendants' motions for summary judgment in late 2004.

Class Certification

15. Additionally, my firm was extensively involved in formulating the arguments for, and in drafting, plaintiffs' memoranda in support of class certification. This involved extensive research and analysis into, *inter alia*, the sales and pricing structure of the brand and generic pharmaceutical drug market, the typical behaviors of pharmaceutical drug consumers, and various causation and damages theories; the review of voluminous pages of documents and academic studies regarding generic penetration and the pharmaceutical industry; providing support for plaintiffs' various experts for their reports in connection with plaintiffs' class certification motions; preparing the experts for their depositions; and preparing for the deposition of defendants' class certification expert, Dr. Richard Rozek.

16. I argued Plaintiffs' initial motion for class certification before this Court on January 19, 2001, and addressed other issues relating to class certification at the September 10, 2001 hearing before the Court. I also argued the appeal of this Court's initial class certification ruling before the Eleventh Circuit Court of Appeals, and after remand, my firm spearheaded the

enormous (and previously unprecedented) effort to work with the 23 largest class members in complying with defendants' "downstream discovery" subpoena.² My partner, Bruce E. Gerstein, then argued plaintiffs' renewed motion for class certification in May 2004. While that renewed motion was denied in June 2004, Mr. Gerstein successfully argued for certification of the Sherman Act Class in February 2005.

Expert Depositions and Daubert Motions

17. My firm was also centrally involved in the voluminous deposition and motion practice relating to the myriad experts proffered by both Plaintiffs and Defendants in this case. Specifically, my firm spearheaded Class Counsels' work with Martha Bennett, Plaintiffs' expert regarding Geneva's efforts to validate its generic product in light of its purported technical difficulties. This work included: (a) assisting Ms. Bennett in her preparation of her expert reports; (b) defending her deposition; (c) deposing William Schwemer and Dr. Allan Myerson, Defendants' experts regarding validation and/or Geneva's technical production issues; and (d) drafting the brief in opposition to defendants' motion to exclude Ms. Bennett's testimony. (This Court denied Defendants' motion to exclude Ms. Bennett in January 2005.)

18. In addition, my firm, particularly Mr. Gerstein, was intimately involved in formulating the strategy for, and drafting the briefs in support of, plaintiffs' motion to exclude Dr. Langenfeld, defendants' expert regarding defendants' pro-competitive justifications for the Abbott-Geneva Agreement. Mr. Gerstein also deposed Dr. Langenfeld in connection with his report regarding defendants' supposed pro-competitive justifications. I also worked closely with

²As the Court recognized in its June 23, 2004 Order, it took a tremendous amount of effort for Class members (and Class Counsel) for Class members to comply with the downstream discovery subpoena, due to the volume and age of the data requested.

Odom & Des Roches in drafting plaintiffs' motions to exclude the testimony of defendants' experts Bruce Lehman (patent, Hatch-Waxman and R&D issues) and Robert Pollock (regulatory issues regarding Hatch-Waxman). I was intimately involved in the preparation for the depositions of Mr. Lehman (a purported Hatch-Waxman expert) and Mr. Gould (Defendants' patent expert). My partner, Joseph Opper, took the deposition of Mr. Pollock (another purported Hatch-Waxman expert).

19. Furthermore, I was intimately involved in opposing defendants' motions to exclude many of plaintiffs' experts, including Jill Deal (regulatory issues relating to when Mylan could have entered the market); Jacques Messier (whether Geneva would have entered the market before appellate resolution of the patent suit); and Dr. Jeffrey Leitzinger (regarding "GG" damages).

Preparation For Trial

20. My firm took a leadership role in preparing this case for trial. We expended significant time and resources, *inter alia*, (a) establishing a structure for a trial team, as well as a "shadow" team to canvass the voluminous documentary and testimonial record and identify the key documents/testimony to be used at trial; (b) developing the themes and strategies to be emphasized at trial; and (c) preparing a detailed trial outline.

21. Specifically, my firm, together with Odom & Des Roches, led the effort to carefully review the significant factual record in this case; designate the most cogent deposition testimony needed to establish the elements of plaintiffs' case and refute defendants' defenses (from the thousands of pages of deposition transcripts from this case, as well as the FTC case and the '207 patent case); identify the exhibits plaintiffs intended to use at trial (culled from the

hundreds of thousands of documents produced in this case); review and object to defendants' deposition designations; review and object to defendants' trial exhibits; counter-designate deposition testimony in response to the testimony designated by Defendants; and prepare motions in limine (and response to defendants' expected motions in limine). Class Counsel have been preparing for trial for months, and continued pushing to prepare this case for trial by May 16, 2005, in order to put maximum pressure on Defendants and induce them to settle.

Settlement Negotiations and the Settlement Agreement

22. Finally, my firm was integrally involved in the proceedings that led to the current motion before this Court for approval of the Settlement Agreement. As this Court is aware, there have been numerous settlement negotiations – first with Geneva, then with Zenith, and finally with Abbott – over the last several years. My partner, Mr. Gerstein, led the Settlement negotiation meetings on behalf of plaintiffs and the Sherman Act Class with defendants' counsel and with the mediator, Prof. Green, at each of the numerous mediation sessions. We also drafted and reviewed drafts of the Settlement Agreement and other supporting papers; argued motions before the Court regarding preliminary approval of the Settlement (and certification of the Class); and drafted the memorandum in support of final approval of the Settlement.

23. The total number of hours expended on this litigation by my firm is 9,477.25. The total lodestar for my firm is \$4,266,963.75 consisting of \$4,201,918.75 for attorneys' time and \$65,045.00 for paralegals' time.

24. The following schedule is a summary of the amount of time spent by each attorney and paralegal of my firm who was involved in this litigation, and the lodestar calculation based on my firm's current billing rates.

Attorneys	Pqs.*	BILLING RATE	COMBINED CUMULATIVE HOURS	COMBINED CUMULATIVE LODESTAR
Bertram Bronzaft	(P)	\$460	23.00	10,580.00
Bruce E. Gerstein	(P)	\$660	1,148.50	758,010.00
Scott W. Fisher	(P)	\$550	21.75	11,962.50
Barry S. Taus	(P)	\$520	3,969.25	2,064,010.00
Noah Silverman	(P)	\$510	16.00	8,160.00
Joseph Opper	(P)	\$510	231.00	117,810.00
Brett H Cebulash	(P)	\$495	263.00	130,185.00
Stephen H. Schwartz	(P)	\$485	222.00	107,670.00
Kevin S. Landau	(A)	\$450	210.50	94,725.00
Adam M. Steinfeld	(A)	\$410	3.75	1,537.50
Jan Bartelli	(A)	\$360	846.25	304,650.00
Archana Tamoshunas	(A)	\$300	1,086.00	325,800.00
Anne Fornecker	(A)	\$255	182.75	46,601.25
Jeffrey Lax	(A)	\$250	343.50	85,875.00
Kimberly Hennings	(A)	\$225	521.50	117,337.50
Elena K. Chan	(A)	\$190	89.50	17,005.00
Danniel Litvin	(SC)	\$90	4.50	405.00
Susan Carrier	(PL)	\$210	52.00	10,920.00
Janet Seidman	(PL)	\$200	242.50	48,500.00
Apolinar Uriarte, Jr.	(PL)	\$145	36.00	5,220.00
TOTALS			9,477.25	4,266,963.75

The schedule reflects 1) the time and expenses for all matters in this litigation from inception until February 14, 2005, the date on which we executed the Settlement Agreement

*Indicate Position by Partner ("P"), Associate ("A"), Of Counsel ("OC"), Paralegal ("PL") or Summer Clerk ("SC")

with Geneva; and 2) the time and expenses subsequent to February 14, 2005, which related to the Settlement, as well as continued work preparing this case for trial in case the Settlement is not finally approved. For attorneys and paralegals who are no longer employed by my firm, the lodestar calculation is based upon the billing rates for such attorneys and paralegals in his or her final year of employment by my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request. The hourly rates for the attorneys and paralegals in my firm are the same as the regular current rates charged for their services in non-contingent matters and/or which have been accepted and approved in other antitrust litigation.

25. My firm's lodestar figures are based upon the firm's billing rates, which do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

26. My firm also has incurred a total of \$ 673,845.84 in unreimbursed expenses in connection with the prosecution of this litigation. These expenses are categorized and attached as Exhibit 1.

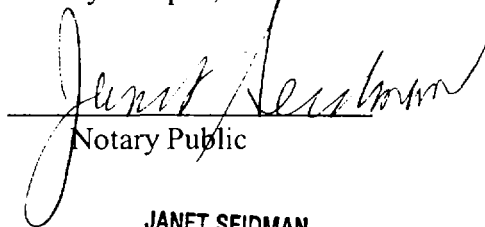
27. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate recordation of the expenses incurred.

28. With respect to the standing of counsel in this case, attached hereto as Exhibit 2 is a brief biography of my firm and the attorneys in my firm who were principally involved in this litigation.



Barry S. Paus

Sworn to before me this
4th day of April, 2008.



Notary Public

JANET SEIDMAN
Notary Public State Of New York
No. 24-4705123
Qualified in Kings County
Commission Expires January 31, 20 06

EXHIBIT 1

Litigation Fund	472,500.00
Research	43,402.03
Travel, Hotel, Meals	97,531.56
Fees	1,851.50
Messenger	5,416.30
Photocopies	37,308.15
Telephone	15,836.30
TOTAL	673,845.84

RESUME OF

GARWIN GERSTEIN & FISHER LLP

Garwin Gerstein & Fisher LLP and its predecessor firms have continually and successfully championed the rights of investors and consumers for over fifty years. Garwin Gerstein & Fisher are well known around the United States for skill in representing investors, consumers, small businesses and the public in complex class action litigation involving such issues as:

- *The violation of investors' rights as a result of securities fraud or breaches of fiduciary duty;*
- *Antitrust violations, such as price-fixing and other anti-competitive practices;*
- *Unfair and deceptive trade practices;*
- *Deceptive insurance practices;*
- *Employment discrimination practices.*

Garwin Gerstein & Fisher has been general or trial counsel in class action and stockholder derivative lawsuits where we have generated outstanding results on behalf of our clients for over fifty years.

Set forth below are a few examples of cases which Garwin Gerstein & Fisher have prosecuted as lead or co-lead counsel over the past few years alone:

(a) *In re Relafen Antitrust Litigation*, Master File No. 01-12239-WGY (D. Mass.) (Co-Lead Counsel). Case was resolved on the eve of trial after direct negotiation between our firm and counsel for the defendant for \$175 million on behalf of a class of direct purchasers of Relafen. District Court certified class of direct purchasers 218 F.R.D. 337 (D. Mass 2003) and denied defendants' motion for summary judgment.

(b) *Gutter v. E.I. DuPont de Nemours, et al.*, Case No. 95-2152 (S.D. Fla.), (Lead Counsel) After over seven years of intensive litigation, after complete fact and expert discovery, this securities law violation case was settled in 2003 for \$77.5 million in cash. *See e.g.*, 124 F.Supp.2d 1291 (S.D.Fla. 2000)

(c) *In re Buspirone Antitrust Litigation*, MDL Docket No. 1413 (S.D.N.Y.) (Co-Lead Counsel). Case was resolved after direct negotiation between our firm and counsel for the defendant for \$220 million on behalf of a class of direct purchasers of Buspirone, *see*, 185 F.Supp. 2d 340 (S.D.N.Y. 2002) granting summary judgment against Bristol Myers with respect to certain patent infringement claims *see also*, 208 F.R.D. 516 (S.D. N.Y. 2002) discussing issues of waiver of attorney client privilege with respect to matters placed at issue in the litigation. *See also e.g.*, 185 F.Supp.2d 363 (S.D.N.Y. 2002); 210 F.R.D. 43 (S.D.N.Y. 2002)

(d) *In re M&F Worlwide Corp. Shareholder Litigation*, Consolidated Civil Action No. 18502, V.C. Strine, (Co-Trial Counsel). After complete discovery and a two-week trial, the defendants agreed in 2002, to the complete relief sought by the plaintiffs - rescission of a complex series of transactions valued by defendants' own evidence at over \$130 million.

(e) *Butler et al. v. Provident Mutual Life Insurance Company*, January Term, 1999, No. 007801 (Court of Common Pleas-Philadelphia County), (Co-Lead Counsel) After expedited efforts led by our firm, we successfully preliminarily and permanently enjoined a transaction we argued would had denied Provident's policyholders any compensation for their ownership interests in Provident as part of a conversion of Provident to a Mutual Holding Company. After defeat of this proposal, at our urging, Provident then successfully sought a partner for a sponsored

demutualization (Nationwide Financial Services) which delivered over \$1 billion in compensation to Provident's eligible members.

(f) *Sanders v. Wang, etc.*, Del. Ch., CA No. 16640, Steele, V.C. (November 8, 1999); (Co-Lead Counsel) The Court of Chancery concluded that a Compensation Committee of the Board "exceeded their authority" under a stock option plan in awarding shares to inside directors/officers in granting judgment on the pleading for plaintiffs on behalf of nominal defendant Computer Associates - settled for the return of in excess of \$250 million in value of common stock for the Company. *See e.g.*, 1999 WL 1044880, 25 Del. J.Corp.L. 1036

(g) *In re Northwest Airlines Corp. Antitrust Litigation*, 49 F.Supp.2d 553 (E.D. Mich. 1999), 197 F.Supp.2d 908 (E.D. Mich. 2002), 208 F.R.D. 174 (E.D.Mich. 2002), 310 F.3d 953 (6th Cir. 2002) (Lead Counsel) Successful withstanding a motion to dismiss a novel antitrust claim lodged against, *inter alia*, Northwest Airlines for "hidden cities" price ticketing practices and then successfully persuaded the District Court to certify a class of those impacted by "hidden cities" fares.

(h) *In re Cendant Corporation Derivative Action Litigation*, 189 F.R.D. 117 (D.N.J. 1999), 232 F.Supp.2d 327 (D.N.J. 2002), (Lead Counsel) Court found, *inter alia*, demand excused where board implicated in failing to oversee alleged management financial fraud and Certificate of Incorporation liability exclusion for breach of fiduciary duty did not insulate directors – recovery of \$54,000,000 for Cendant, and its shareholders.

(i) *In re Cardizem CD Antitrust Litigation* 200 F.R.D. 326 (E.D. Mich. 2001), (Co-Lead Counsel) Certifying class of direct purchasers of diltiazem; 105 F. Supp.2d 618 (E. D. Mich. District Court 2000) found Noerr-Pennington doctrine inapplicable and finding antitrust claim stated under

both *per se* rule and rule of reason; granting partial summary judgment for violation of antitrust law. Case settled for \$110 million in cash.

(j) *In re Nuveen Fund Litigation*, 1996 WL 347012, 1996 WL 328001, 1996 WL 328003, 1996 WL 328006, 1994 WL 505293, 1994 WL 505294 (N.D. Ill. 1996) (Lead Counsel) (a case addressing novel issues arising under the Investment Company Act and Minnesota Corporate law); *see also* 555 N.W. 2d 301 (MN App. 1996). – recovery of \$24 million in cash for shareholders of certain Nuveen Funds.

(k) *In re USACafes, L.P. Litigation*, 600 A.2d 43 (Del. Ch. 1991), (Lead Counsel) -- a case recognizing for the first time under Delaware law, a fiduciary duty owed by directors of a Delaware corporate general partnership to its Delaware limited partners.

(l) *Zapata v. Maldonado*, 430 A.2d 779 (Del. Supr. 1981) (Lead Counsel) -- unquestionably one of the most important decisions in stockholder derivative litigation. The Delaware Supreme Court's decision halted a tidal wave of decisions that threatened to eliminate the derivative action as an effective barrier to corporate waste and mismanagement.

(m) *Michelson v. Duncan*, 407 A.2d 211 (Del. Sup. 1979) (Lead Counsel) -- a reversal in part of a dismissal of a derivative action predicated upon a shareholder ratification. The Delaware Supreme Court defined and reinstated plaintiff's waste cause of action.

(n) *Stein v. Orloff*, Del. Ch., CA No. 7276, 11 Del. J. Corp. L. 312, 1985 WL 11561 Hurtnetly, V.C. (May 30, 1985) (Lead Counsel) - finding demand excused where plaintiffs stated a claim for waste of corporate assets by alleging properly “the consideration received by corporation was so inadequate that no person of ordinary sound business judgment would deem it worth what corporation paid.”

(o) *Galef v. Alexander*, 615 F.2d 51 (2d Cir. 1980) (Lead Counsel) --almost as important a decision as *Maldonado*, wherein Second Circuit reversed and remanded a business judgment dismissal of a derivative action. The Second Circuit's decision strongly intimated that business judgment could not be used to dismiss a well pleaded proxy claim, regardless of state law.

(p) *Halpern v. Armstrong*, 491 F. Supp. 365 (S.D.N.Y. 1980) (Lead Counsel) - - an important Section 14(a) decision by Judge Milton Pollack wherein he found material proxy violations and thereby voided a number of transactions undertaken by Revlon, Inc., the corporation in question.

(q) *Jacobs v. Adams*, 601 F.2d 176 (5th Cir. 1979) (Lead Counsel)--an important and total reversal of a district court's holding (1) that a New York executor may not prosecute a derivative action in Florida; and (2) that Florida law requires a plaintiff in a derivative action to make a demand on a corporation's shareholders before instituting suit.

FIRM PARTNERS

BRUCE E. GERSTEIN graduated from Bernard M. Baruch College of The City University of New York in 1972 with a Bachelor of Business Administration with a major in public accounting, and is a Certified Public Accountant licensed in the State of New York (inactive). He graduated from Brooklyn Law School with honors in 1977. For the six years prior to joining the firm then known as Garwin & Bronzaft in January 1978, Mr. Gerstein was an investigatory accountant specializing in the area of stockholder's derivative and class actions. Mr. Gerstein is recognized as a leading attorney in complex litigation around the country resolving successfully antitrust, securities and consumer related class actions resulting in hundreds of millions of dollars for class members.

Most recently, he was principally responsible for the negotiation of settlements of \$110 million (Cardizem/Andrx), \$220 million (Buspar/Bristol Myers) and \$175 million (Relafen/Glaxo Smith Kline) representing direct purchasers of pharmaceutical products.

He has been named lead counsel in federal and state courts across the United States. He has lectured recently at conferences discussing important cutting edge antitrust issues in Florida and California, appearing most recently at a University of San Francisco symposium as a panelist with Herbert Hovenkamp, a leading authority and author of the seminal treatise on Antitrust law, discussing *inter alia*, issues arising out of the interplay between antitrust law, patent law and the Hatch Waxman Act.

Mr. Gerstein is admitted to practice in all of the Courts of the State of New York and the Court of Appeals for the First, Second, Third, Fifth, Seventh, Ninth and Eleventh Circuits. He is a member of the Association of the Bar of the City of New York and the New York County Lawyers' Association (the "NYCLA"), the Federal Bar Council and the Federal Courts Committee of the NYCLA.

SCOTT W. FISHER graduated from Rensselaer Polytechnic Institute in 1971 with a Bachelor of Science degree in Aeronautical Engineering. He received a Master of Arts in Mathematics Education in 1974 from Brooklyn College. Following his graduation from Rensselaer Polytechnic Institute, Mr. Fisher was an educator employed by the New York City Board of Education in a wide variety of pedagogical areas including curriculum development in mathematics.

Mr. Fisher graduated from Brooklyn Law School in 1982. Following his graduation from law school, he joined the firm then known as Garwin, Bronzaft & Gerstein, where he has worked on many major consumer class actions, stockholder class and derivative litigations. Mr. Fisher has been

appointed lead or co-lead counsel in various securities litigations. Most recently Mr. Fisher served as co-trial counsel in Delaware Chancery Court in the *M&F Worldwide Corp. Shareholder Litigation*, Del. Ch. Consolidated C.A. No. 18502 NC (V.C. Strine) a case which resulted in a complete victory for M&F shareholders. He also had a prominent role in the pre-trial and trial proceedings of the fen/phen diet drug product liability class action tried before the Hon. Marina Corodemus in New Jersey Superior Court in 1999, which was resolved as part of a global resolution of diet drug cases for in excess of \$4 billion.

Mr. Fisher has lectured recently at a Lorman sponsored conference on issues raised in connection with the settlement of class actions, including the use of medication to facilitate settlement; and has appeared as a panel member at a New York State Bar Association conference discussing *inter alia*, class action practice from the plaintiff's perspective.

Mr. Fisher is admitted to the Bars of the State of New York and of the United States District Courts for the Southern and Eastern Districts of New York, the District of Arizona, the Eastern District of Michigan, the Courts of Appeal for the Second, Third, Seventh and Eleventh Circuits and the Supreme Court of the United States. Mr. Fisher is also a member of The Association of The Bar of The City of New York, American Trial Lawyers' Association and The New York State Bar Association.

BARRYS. TAUS graduated Cum Laude from the State University of New York at Albany in 1986 with a Bachelor of Science degree in Accounting.

Mr. Taus joined the firm then known as Garwin, Bronzaft, Gerstein & Fisher in 1988, where he has worked on numerous antitrust and stockholder class action and derivative litigations. He graduated from Brooklyn Law School in 1989.

Mr. Taus is admitted to the Bars of the State of New York and the United States District Court for the Southern District of New York. He is also a member of the Association of the Bar of the City of New York and the New York State Bar Association.

Mr. Taus is acting as Lead Counsel or Co-Lead Counsel in a number of major, complex antitrust litigations, including *In re Terazosin Hydrochloride Antitrust Litigation* (S.D. Fla.); *In re Ciprofloxacin Hydrochloride Antitrust Litigation* (E.D. N.Y.); and *In re K-Dur Antitrust Litigation* (D.N.J.) (Motion for Appointment as Co-Lead Counsel pending).

Mr. Taus had also taken a central, active role in many of the stockholder class actions and derivative actions in which his firm has been Lead Counsel (as detailed above), including *Rebenstock v. Fruehauf (Fruehauf Trailer)*; *In Re Par Pharmaceutical Securities Litigation*; and *In Re F&M Distributors, Inc. Securities Litigation*.

NOAH H. SILVERMAN graduated from Grinnell College in 1986 with a Bachelor of Arts degree in Political Science.

Mr. Silverman graduated from Northwestern University School of Law in 1990 and has been with the firm since May 1991.

Mr. Silverman is admitted to the Bar of the State of New York and the United States District Court for the Southern and Eastern Districts of New York. He is a member of the Association of the Bar of the City of New York.

BRETT H CEBULASH graduated from the University of Virginia in 1984 with a Bachelor of Arts degree in Psychology.

Mr. Cebulash graduated cum laude from Brooklyn Law School in 1993 and has been with the firm since October 1993.

Mr. Cebulash is admitted to the Bar of the State of New York and the State of New Jersey and the United States District Court for the Southern and Eastern Districts of New York. He is a member of the Association of the Bar of the City of New York and the American Bar Association.

JOSEPH OPPER graduated from Tufts University in 1970 with a Bachelor of Arts in Political Science. He graduated from Hofstra University School of Law in 1975. From 1985 to 1996 Mr. Opper was a member of the Antitrust Bureau of the New York State Department of Law and served as the Acting Bureau Chief from 1994-96. Immediately, prior to joining the firm in 2000, he was employed by Milberg Weiss Bershad Hynes & Lerach LLP, where he specialized in Antitrust and Human Rights litigation. From 1975-85 Mr. Opper practiced law at the Legal Aid Society in Brooklyn, New York.

Mr. Opper is a member of the New York Bar and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York; United States Court of Appeals for the Second Circuit and United States Supreme Court.

KEVIN S. LANDAU graduated from Lehigh University in 1993 with a Bachelor of Arts degree in Government, with high honors.

Mr. Landau graduated from Brooklyn Law School in 1996, where he served on the Brooklyn Law Review. Mr. Landau has been employed by Garwin Gerstein & Fisher since September 1996.

Mr. Landau is admitted to the Bar of the State of New York and is a member of the New York State Bar Association.

ASSOCIATES

ADAM STEINFELD graduated from Brandeis University in 1994 with a Bachelor of Arts degree in Political Science.

Mr. Steinfeld graduated from Brooklyn Law School in 1997, where he served on the Brooklyn Law Review. Mr. Steinfeld has been employed by Garwin Gerstein & Fisher since August, 1997.

Mr. Steinfeld is admitted to the Bars of the States of New York and Massachusetts.

JAN BARTELLI graduated from Syracuse University in 1993 with a Bachelor of Arts degree in English. She graduated from Brooklyn Law School in 1997, where she was a member of the Brooklyn Law Review and Moot Court. Prior to entering law school, Ms. Bartelli worked as a newspaper reporter for publications in New York City, New Jersey, and Connecticut. She has been employed by Garwin Gerstein & Fisher since January 1998.

Ms. Bartelli is admitted to the Bars of the States of New York and New Jersey.

ARCHANA TAMOSHUNAS graduated from Williams College in 1995 with a Bachelor of Arts degree in Political Science and Studio Art.

Ms. Tamoshunas graduated from New York University School of Law in 1999, where she was a member of the Moot Court Board. After graduating from law school, Ms. Tamoshunas was employed by the City of New York, representing the City in Family Court. Ms. Tamoshunas has been employed by Garwin Gerstein & Fisher since October 2002.

Ms. Tamoshunas is admitted to the Bar of the State of New York, the United States District Courts for the Southern and Eastern Districts of New York, and is a member of the American Bar Association, The New York State Bar Association and the New York County Lawyers' Association.

ANNE K. FORNECKER graduated magna cum laude from James Madison University in 1996 with a Bachelor of Arts degree in Sociology.

Ms Fornecker graduated cum laude from Brooklyn Law School in 2002, where she was a member of Brooklyn Law Review. Ms. Fornecker has been employed by Garwin Gerstein & Fisher since January 2003.

Ms. Fornecker is admitted to the Bar of the State of New York and the United States District Courts for the Southern and Eastern Districts of New York.

KIMBERLY HENNINGS graduated cum laude from the University of Tampa in 2000 with a Bachelor of Science degree in Criminology.

Ms. Hennings graduated cum laude from Brooklyn Law School in 2003, and has been employed by Garwin Gerstein & Fisher since October 2003.

Ms. Hennings is admitted to the Bar of the State of New Jersey and is admitted to the Bar of the State of New York.

ELENA K. CHAN graduated *cum laude* from Barnard College of Columbia University in 1997 with Bachelor of Arts degrees in Political Science and East Asian Languages and Cultures.

Ms. Chan graduated *cum laude* from American University's Washington College of Law in 2004, where she was a Dean's Fellow and Student Attorney in the Glushko-Samuels Intellectual Property Law Clinic. She has been employed by Garwin Gerstein & Fisher since March 2005.

Ms. Chan is admitted to the Bar of the State of New Jersey and her admission to the Bar of the State of New York is currently pending.

Garwin Gerstein & Fisher or its predecessor firms, Garwin, Bronzaft, Gerstein & Fisher, Garwin, Bronzaft & Gerstein, Garwin & Bronzaft and Sidney L. Garwin, while acting as part of a team of lawyers has been actively involved in dozens of outstanding settlements over the past decades, including, without limitation *In re Diet Drugs Product Liability Litigation*, MDL 1203, *Vadino v. America Home Products Corp.*, Diet Drug Case Code #240; *In re Nasdaq Antitrust Litigation*; and *In re VMS Securities Litigation*.

In addition to those cases identified at pp 1-5 above, among the following cases our firm has also resolved as either sole lead or co-lead counsel:

<u>Title of Action</u>	<u>Approximate Amount of Benefits</u>
<i>Robert Cicarell, et al. v. Provident Mutual Life Insurance Company</i> (Court of Common Pleas)	\$30 Million in life insurance policy benefits and \$15 million
<i>In re Saloman Bros. Derivative Litigation</i> (S.D.N.Y.)	\$40 Million
<i>In Re F&M Distributors, Inc. Securities Litigation</i> (E.D. Mich.)	\$20.25 Million plus accrued interest
<i>In re Jiffy Lube Securities Litigation</i> (D. Md.)	\$9.5 Million plus accrued interest
<i>Tabankin v. Kemper Short Term Global Income Fund</i> (N.D. Ill.)	\$7.5 Million and other consideration valued in excess of \$12.5 Million
<i>In re Mutual Savings Bank Securities Litigation</i> (E.D. Mich.)	\$12 Million plus accrued interest
<i>Beaumont, et al. and Levine, et al. v. American Can</i> (N.Y. Supreme)	\$10.5 Million plus accrued interest
<i>Rebenstock v. Fruehauf (Fruehauf Trailer Corp.) and Rebenstock v. DeLoitte & Touche</i> (E.D. Mich.)	\$10.6 Million in cash and securities

<i>In Re RAC Mortgage Investment Corporation Securities Litigation</i> (D. Md.)	\$12 Million plus accrued interest
<i>In Re Par Pharmaceutical Securities Litigation</i> (S.D.N.Y.)	\$20 Million in cash and securities
<i>In Re Interco Incorporated Shareholders Litigation</i> (Del. Ch. Ct.)	\$18.5 Million plus accrued interest
<i>In Re Revlon Group, Inc. Shareholders Litigation</i> (Del. Ch. Ct.)	\$60 Million
<i>Goldberg v. Americana Hotels and Realty Corp., et al.</i> (D. of Mass.)	\$9.46 Million plus accrued interest
<i>In Re: American Dental Laser, Inc. Securities Litigation</i> (E.D. Mich.)	\$8 Million
<i>In re Buffets, Inc. Securities Litigation</i> (D. of Minn.)	\$7 Million plus accrued interest
<i>In re GCA Corporation Securities Litigation</i> (D. of Mass)	\$5.5 Million plus 1.15 million warrants
<i>In re American Southwest Mortgage Securities Litigation</i> (D. Of Ariz.)	\$5.2 million
<i>In re Shared Medical Securities Litigation</i> (E.D. Pa.)	\$5 Million plus accrued interest
<i>Wechsler v. Abramowitz, Del. Ch. Civil Action No. 6681 and 6862</i> (Del. Ch. Ct.)	Increased Going Private Price from \$14.50 per share to \$22.875 per share

Currently Garwin Gerstein & Fisher LLP is either lead counsel, co-lead counsel or chairman of the Executive Committee in a number of complex class actions. Those cases include, *In re Merrill Lynch Focus Twenty Fund Investment Company Act Litigation*, pending in the Eastern District of New York; *Robert Corwin, derivatively on behalf of JDS Uniphase, Inc. v. Martin A. Kaplan, et al.*, pending in the Northern District of California; *Chase v. Northwest Airlines Corp. et al.*, 96-74711, pending in the United States District Court for the Eastern District of Michigan; *In*

re Terazosin Hydrochloride Antitrust Litigation, pending in the United States District Court for the Southern District of Florida; *In re K-Dur Antitrust Litigation*, pending in the United States District Court for the District of New Jersey; *In Re Ciproflaxin Hydrochloride Antitrust Litigation*, pending in the United States District Court for the Eastern District of New York; *In re Relafen Antitrust Litigation* pending in the United States District Court For the District of Massachusetts; and *In re Remeron Antitrust Litigation*, pending in the United States District Court for the District of New Jersey.