



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.

4. The hourly rates for the attorneys and paralegals in my firm as set forth in Exhibit 1 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 class action litigation.

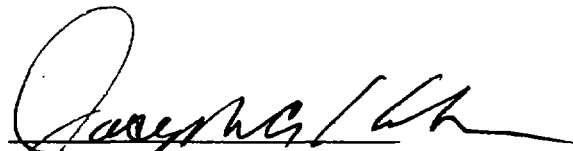
5. The total number of hours expended in this litigation by my firm is 87.80 hours. The total lodestar for my firm is \$18,706.50, consisting of \$16,073.00 for attorneys' time and \$2,633.50 for paralegals' time.

6. 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.

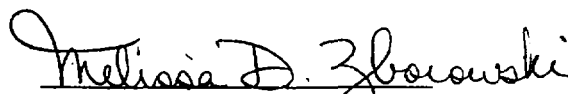
7. As detailed in Exhibit 2, my firm has incurred a total of \$10,572.46 in unreimbursed expenses in connection with the prosecution of this litigation.

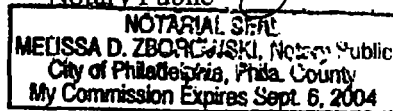
8. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate recordation of the expenses incurred.

9. With respect to the standing of counsel in this case, attached hereto as Exhibit 3 is a brief biography of my firm.

  
Joseph C. Kohn

Sworn to before me this 14<sup>th</sup> day of November, 2001

  
Melissa D. Zborowski  
Notary Public



**EXHIBIT 1**

FIRM NAME: KOHN, SWIFT & GRAF, P.C.

LODESTAR REPORT

REPORTING PERIOD: Inception through August 13, 2001

ATTORNEYS			
Name and Status	Current Hourly Rate	Total Hours Inception through 8/13/01	Lodestar Inception through 8/13/01
Joseph C. Kohn, Partner	\$410.	14.8	\$ 6,068.00
Craig Hillwig, Associate	225.	39.1	8,797.50
David J. Cohen, Associate	175.	6.9	1,207.50
<b>Total Attorneys' Time</b>		<b>60.8</b>	<b>\$16,073.00</b>
PARALEGALS			
Anna Schwartz, Paralegal	95.	13.3	\$ 1,263.50
Brya Keilson, Paralegal	100.	13.7	1,370.00
<b>Total Paralegals' Time</b>		<b>27.0</b>	<b>\$ 2,633.50</b>
<b>TOTAL ATTORNEYS' AND PARALEGALS' TIME</b>		<b>87.8</b>	<b>\$18,706.50</b>

**EXHIBIT 2**

FIRM NAME: KOHN, SWIFT & GRAF, P.C.

EXPENSE REPORT

REPORTING PERIOD: Inception through August 13, 2001

CATEGORIES	TOTAL
Assessments or Advances for Litigation Costs	\$10,000.00
Inside Duplicating and Printing	425.40
Lexis	59.70
Special Postage	42.64
Federal Express	36.78
Long Distance Telephone & Telecopier	7.94
<b>TOTAL EXPENSES</b>	<b>\$10,572.46</b>

**EXHIBIT 3**

## KOHN, SWIFT & GRAF, P.C.

Since its founding in 1969, the firm of Kohn, Swift & Graf, P.C., has been a national leader in class actions and other complex commercial litigation. The firm has 18 lawyers, 6 paralegals and an administrative staff of 25.

Kohn, Swift & Graf, P.C. and its partners have been selected by courts and co-counsel to be lead counsel, or members of the executive committee of counsel, in scores of class actions throughout the country in the antitrust, securities fraud, tort and consumer protection fields. Recently, the firm has been co-lead counsel in the Holocaust Era cases and other groundbreaking international human rights litigation. The firm also maintains a general business litigation practice representing plaintiffs and defendants in state and federal courts.

The Kohn firm has been a leader in the prosecution of antitrust class actions for the past 30 years. The firm is currently lead or co-lead counsel in the following antitrust class actions: In re Compact Disc Minimum Advertised Price Antitrust Litigation, MDL No. 1361 (D. Me.); In re Graphite Electrodes Antitrust Litigation, MDL No. 1244 (E.D. Pa.) (over \$77 million in settlements have been obtained for the class and the litigation is continuing against non-settling defendants); In re Stock Exchanges Options Antitrust Litigation, MDL No. 1283 (S.D.N.Y.) (settlements reached with over 40 defendants for \$84 million and case proceeding against the remaining defendants); In re Pillar Point Partners Antitrust Litigation, MDL No. 1202 (D. Arizona) (case pending); In re Metal Building Insulation Antitrust Litigation, C.A. No. H-96-3490 (S.D. Tex.) (settlements with two defendants approved, and case proceeding); Sorbate Price Cases, J.C.C.P. No. 4073 (Superior Court of the State of California, City and County of San Francisco) (action on behalf of indirect purchasers of sorbates, case pending).

The firm was lead or co-lead counsel in the following antitrust cases among others, which have been successfully concluded on behalf of the plaintiff classes: In re Amino Acid Lysine Litigation, 918 F.Supp. 1190 (N.D. Ill. 1996) (settlements in excess of \$50 million); In re Toys "R" Us, Inc., Antitrust Litigation, MDL 1211 (E.D.N.Y.)( \$55 million settlement value); In re Residential Doors Antitrust Litigation, MDL 1039 (E.D. Pa.)( \$18 million in settlements); In re Chlorine and Caustic Soda Antitrust Litigation, 116 F.R.D. 622 (E.D. Pa. 1987)(settled on eve of trial for \$51 million); Cumberland Farms, Inc. v. Browning Ferris Indus., Inc., 120 F.R.D. 642 (E.D. Pa. 1988) (class action alleging price fixing in waste hauling industry- case settled shortly before trial); In re Plywood Antitrust Litigation, MDL 159, (D. La.)(tried to verdict for plaintiffs, affirmed by Fifth Circuit).

In addition, the Kohn firm has been a member of a steering committee or executive committee of counsel in dozens of antitrust class actions, including: Brand Name Prescription Drugs Antitrust Litigation, (N.D. Ill.); Commercial Explosives Antitrust Litigation, (D. Utah); Catfish Antitrust Litigation, (N.D. Miss.); Commercial Paper Antitrust Litigation, (M.D. Fla.); Glassine and Greasproof Paper Antitrust Litigation, (E.D. Pa.); Corrugated Container Antitrust Litigation, (S.D. Tex.) and Sugar Industry Antitrust Litigation, (E.D. Pa.).

The Kohn firm has maintained a business litigation practice and represented private clients as plaintiffs in antitrust cases where it was the sole counsel, or assisted by a few co-counsel. These cases were hard fought and several have proceeded through trial and appeals: Alvord-Polk, Inc. v. F. Schumacher & Co., 37 F.3d 996 (3d Cir. 1994), cert. denied, 514 U.S. 1063 (1995) (summary judgment in favor of defendants reversed by Third Circuit; certiorari denied by the Supreme Court; case tried to conclusion before a jury and settled after trial);

Gulfstream III Associates, Inc. v. Gulfstream Aerospace Corp., 995 F.2d 425 (3d Cir. 1993) (jury verdict in favor of plaintiff; case settled); Big Apple BMW, Inc. v. BMW of North America, Inc., 974 F.2d 1358 (3d Cir. 1992), cert. denied, 507 U.S. 912 (1993) (summary judgment in favor of defendant reversed by Third Circuit; case settled prior to trial).