

MURRAY, FRANK & SAILER LLP

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MURRAY, FRANK & SAILER LLP
CONCENTRATES ITS PRACTICE IN CLASS ACTION LITIGATION, PARTICULARLY
IN CASES INVOLVING FEDERAL SECURITIES LAW, FEDERAL ANTITRUST LAW,
ERISA, AND STATE CONSUMER PROTECTION LAW. THE FIRM IS ALSO ACTIVE
IN MASS TORT LITIGATION.

SECURITIES FRAUD

MURRAY, FRANK & SAILER has represented lead plaintiffs as lead counsel or a member of the executive committee and has also represented class representatives in successful securities actions throughout the United States, including the following:

In re Royal Ahold Securities Litigation (recovery of \$1.1 billion); *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litig.* (recovery of \$475 million); *In re Williams Sec. Litig.* (\$311 million); *In re General Motors Corp. Sec. Litig.* (\$303 million); *In re Merrill Lynch & Co., Inc. Research Reports Sec. Litig.* (\$125 million); *In re JWP Inc. Sec. Litig.* (\$40 million); *In re Turkcell Iletisim Hizmetleri A.S. Sec. Litig.* (\$19.2 million); *In re PictureTel Inc. Sec. Litig.* (\$14 million); *In re Marion Merrell Dow Inc. Sec. Litig.* (\$14 million); *LaVallie v. Owens-Corning Fiberglas Corp.* (\$10 million); *In re USX Sec. Litig.* (\$9 million); *Feiner v. SS&C Tech., Inc.* (\$8.8 million);

Lowry v. Andrx Corp. (\$8 million); *In re Xybernaut Corp. Securities MDL Litigation* (\$6.3 million); *Brody v. Zix Corp.* (\$5.6 million); *In re ContiFinancial Sec. Litig.* (\$5.5 million); *In re EIS Int'l Inc. Sec. Litig.* (\$3.8 million); *In re Quintiles Transnational Sec. Litig.* (\$3 million).

The firm is currently lead or co-lead counsel, a member of the executive committee, or counsel to a class representative in many cases, including the following:

In re New Century Sec. Litig.; *In re Vivendi Universal, S.A. Sec. Litig.*; *In re Harley-Davidson, Inc. Sec. Litig.*; *In re Infineon Technologies AG Sec. Litig.*; *In re Crompton Sec. Litig.*; *Steinberg v. Ericsson LM Telephone Co.*

MURRAY, FRANK & SAILER also represented institutional plaintiffs in individual actions against AOL Time Warner and Royal Dutch Petroleum for violations of the United States securities laws.



SHAREHOLDER RIGHTS AND DERIVATIVE ACTIONS

MURRAY, FRANK & SAILER is very active litigating actions on behalf of companies against their officers and directors for breach of fiduciary duties or against third parties for breach of contract. MURRAY, FRANK & SAILER is co-lead in a derivative action for the benefit of Krispy Kreme Doughnuts, Inc. for breach of fiduciary duties. In addition, MURRAY, FRANK & SAILER is or has been lead or co-lead counsel or represented a plaintiff in derivative actions for the benefit of nVidia Corp., The Limited, Inc., Gilman and Ciocia, Inc., Norland Medical Systems, Foundry Networks, Inc., Jabil Circuits, Inc., Equinix, Inc, Arbitron, Inc., PMC Sierra, Inc., First Marblehead Corp., and Microtune, Inc.

MURRAY, FRANK & SAILER is also active representing shareholders of companies being acquired for inadequate takeover premiums or failure to maximize shareholder value. MURRAY, FRANK & SAILER is currently lead counsel representing shareholders of Northstar Neuroscience, Inc. and has represented shareholders in cases involving Claire's Stores, Inc., Sirna Therapeutics, Inc., Chaparral Resources, Inc., The Topps Company, Inc., Genentech, Inc., and Jacuzzi Brands, Inc.



ANTITRUST

MURRAY, FRANK & SAILER has represented plaintiffs in federal and state class actions arising out of antitrust law violations, including *Bar-Bri*, *Infant Formula*, *Brand Name Pharmaceutical*, *Nasdaq*, *VISA/MasterCard*, *Playmobil*, *Disposable Contact Lens*, and *Time Warner* cases.

MURRAY, FRANK & SAILER is currently counsel in many cases involving Sherman Act violations including: *In re American Express Antitrust Litigation*; *Dahl v. Bain Capital Partners*; *In re Trans Pacific Passenger Air Transportation Antitrust Litig.*; *In re Flat Glass Antitrust Litig.*; *Schwartz v. The Thompson Corp.*; *In re Hydrogen Peroxide Antitrust Litig.*; *In re Air Cargo Carrier Antitrust Litig.*; *Slattery v. Apple Computer Inc.*; *Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*; *McDonough v. Toys "R" Us*; *In re Fasteners Antitrust Litig.*; *In re Cathode Ray Tube (CRT) Antitrust Litig.*; and *In re Korean Airlines Co. Ltd. Antitrust Litig.*

In the *Playmobil* case MURRAY, FRANK & SAILER was co-lead counsel representing a class of purchasers of Playmobil products. MURRAY, FRANK & SAILER was successful in obtaining certification of a plaintiff class in an oft-cited opinion and settling the case on favorable terms to the class. The Court, at the fairness hearing, “compliment[ed] both counsel in the fine job done negotiating with each other and also the legal work that has been submitted to the Court.” In the *Disposable Contact Lens* case, MURRAY, FRANK & SAILER represented a class of purchasers of disposable contact lenses in California, and eventually obtained reversal in the California appellate courts of a denial of class certification. In the *Time Warner* case MURRAY, FRANK & SAILER was co-lead counsel representing a class of subscribers of Time Warner’s high speed internet service. MURRAY, FRANK & SAILER successfully overcame an arbitration clause and obtained favorable settlement for the class.

CONSUMER PROTECTION

In the consumer protection area, MURRAY, FRANK & SAILER as lead counsel has represented consumers in class actions involving, *inter alia*, mold in front-loading washing machines; wrongful billing practices and poor service by wireless communications providers; wrongful billing practices by credit card companies, banks and retailers; problems with appliances and their installation; mislabeling of



imported olive oil; mislabeling of domestic pasta; brokerage fees imposed with no or insufficient notice; Medicaid overcharges; and faulty automobile seat heaters.

Among its cases of note, MURRAY, FRANK & SAILER recovered benefits worth \$40 million in *Naevus Int’l v. AT&T Corp.*, a consumer class action brought in New York State Supreme Court on behalf of consumers who subscribed to AT&T’s Digital One Rate wireless service. In 2005, the firm settled with Volkswagen of America, forcing a recall of all 2003 and 2004 Volkswagen Jettas for faulty automobile seat heaters.

In *Sclafani v. Barilla America, Inc.*, a consumer class action brought in New York State Supreme Court on behalf of consumers who purchased Barilla brand pasta, MURRAY, FRANK & SAILER successfully argued that Barilla’s packaging misled consumers into believing the company’s pasta was made in Italy, obtaining a reversal of a trial court dismissal.

Similarly, in *Lomenzo v. Bertolli USA Inc.*, a consumer class action brought in New York State Supreme Court on behalf of consumers who purchased Bertolli brand olive oil, MURRAY, FRANK & SAILER successfully argued that Bertolli's labeling misled consumers into believing the company's olive oil was Italian.

ERISA

MURRAY, FRANK & SAILER is prosecuting several actions in federal court against employers on behalf of employees for employee investment fund mismanagement; knowingly offering, marketing, and selling improper investments to employees for their retirement accounts; and knowingly misrepresenting the prospects of the employees' company in order to sell company stock to them. The firm served as co-lead counsel in *In re Winn-Dixie Stores, Inc. ERISA Litig.*, which settled for \$3 million and plaintiffs' class counsel in *In re AON ERISA Litig.* and *In re Cardinal Health, Inc. ERISA Litig.*



MASS TORT

Mass torts occur when large numbers of people are similarly injured by the same defective product. These products are often prescription drugs and medical devices. MURRAY, FRANK & SAILER is currently counsel in *In re Avandia Marketing, Sales Practices and Products Liability Litigation* alleging, on behalf of its clients, that they were injured in connection with the design, development, manufacture, distribution, labeling and marketing of a widely used diabetes prescription drug.

MURRAY, FRANK & SAILER is currently on the class action committee and co-chair of the e-discovery committee in the Avandia Litigation.

FIRM HIGHLIGHTS

In ISS's "Accountability Goes Global," 2008 Report, MURRAY, FRANK & SAILER was ranked fifth in representing international lead plaintiff movants.

MURRAY, FRANK & SAILER is also a member of the Executive Committee of the National Association of Shareholder and Consumer Attorneys (NASCAT).

MAJOR ONGOING CASES

In re Infineon Technologies A.G. Securities Litigation – MURRAY, FRANK & SAILER is co-lead counsel representing a class of investors of Infineon Technologies securities.

Scapini v. Argentina – MURRAY, FRANK & SAILER is lead counsel representing a class of investors who purchased government bonds from Argentina.

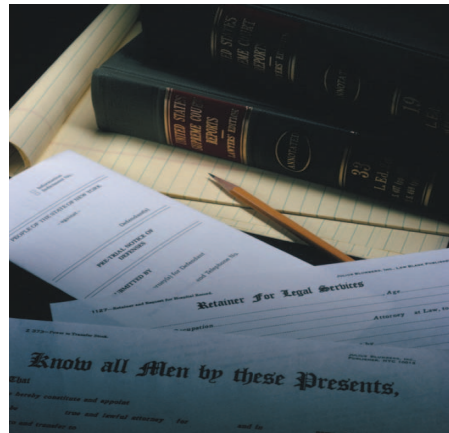
In re Crompton Corp. Securities Litigation – MURRAY, FRANK & SAILER is co-lead counsel representing a class of investors in Crompton Corp. securities.

Steinberg v. Ericsson LM Telephone Co. – MURRAY, FRANK & SAILER is lead counsel representing a class of investors of Ericsson LM Telephone Co. securities.

Mofidi v. Levy – MURRAY, FRANK & SAILER is lead counsel representing Northstar Neuroscience, Inc. shareholders alleging a failure to maximize shareholder value.

JUDICIAL COMMENDATIONS

Kosseff v. Gilman & Ciocia, Inc., C.A. No. 188-MG (Del. Ch. Oct. 31, 2008), in which the Court stated “I note that plaintiff’s attorneys are capable of sophisticated corporate litigation and have a good reputation within the bar.”



Park v. The Thompson Corp., 2008 WL 4684232 (S.D.N.Y. Oct. 22, 2008), in which the court stated “class counsel have provided extremely high-quality representation.”

In re Merrill Lynch & Co., Inc. Research Reports Sec. Litig., 246 F.R.D 156, 164, 174 (S.D.N.Y. 2007), in which the Court commend MURRAY, FRANK & SAILER’s “skillful and zealous representation over a six-year period,” and finding the “high quality of representation provided by Lead Counsel is evident from the extensive record of this case.”

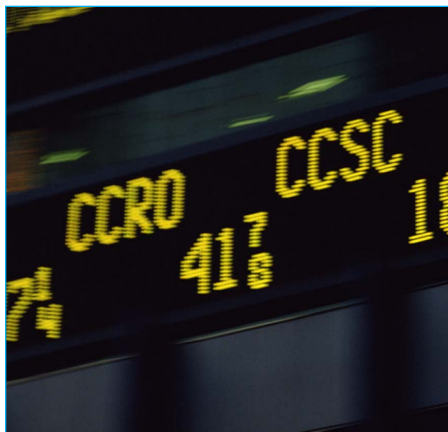
In re Qiao Xing Universal Telephone, Inc., 07-cv-7829 (S.D.N.Y.), in which the court stated “I think they performed extraordinarily well in the settlement process and this is an extraordinarily positive settlement for the class and I have to attribute that significantly to the performance of class counsel in the settlement discussion process.”

In re General Motors Corp. Sec. Litig., 05-CV-8088 (S.D.N.Y. 2006), in which the Court, before appointing the firm lead counsel,

stated: “we know Mr. Frank very well, so they are both esteemed and experienced attorneys in these matters, and I don’t think anybody could go wrong with either one of them to be honest with you.”

In re EIS International, Inc. Sec. Litig., 97-cv-813 (D. Conn. 2006), in which the Court stated: “I wanted to compliment counsel . . . We have been together quite a long time in the case and I appreciate all the fine legal work that you’ve done.”

Kinney v. Metro Global Media, Inc., 170 F. Supp. 2d 173 (D.R.I. 2001), in which the court expressed an “appreciation for how difficult this case was for all sides, for how hotly contested many of the issues in this case were from the get-go and how reaching a settlement, given all of those considerations, was particularly difficult; so I commend all of you for persevering in the efforts that you made toward reaching a settlement . . . [and] for



achieving what I find to be a fair, adequate and reasonable result[.]”

Miller v. Bonmati, Del. Ch., C.A. No. 15849, Lamb, V.C. (Del. Ch. March 18, 1999), in which the Court stated “I am quite pleased by the work that was done by the plaintiffs’ counsel. They seem to have done a very professional job of dealing with a difficult situation and have obtained, from everything I can ascertain from the record in front of me, quite a beneficial settlement that gives an opportunity for this situation to work itself out.”

Adair v. Bristol Tech. Systems, Inc., 179 F.R.D. 126 (S.D.N.Y. 1998), in which Judge Robert Sweet stated plaintiffs’ counsel were “skilled advocates and negotiators.”

Adair v. Microfield Graphics, Inc. (D. Or. 1998), in a case that recovered 47% of estimated damages, the Court noted “Plaintiff’s counsel have exhibited a high quality of work in prosecuting this action.”

Steffen v. Playmobil USA, Inc., Civ No. 95-2896 (E.D.N.Y.), in which

the Court “compliment[ed] both counsel in the fine job done negotiating with each other and also the legal work that has been submitted to the Court.”

*PRECEDENT SETTING
DECISIONS*

In *Cambridge Biotech Corp. v. Deloitte and Touche LLP*, 6 Mass. L. Rptr. 367 (Mass. Super. Jan 28, 1997), on a case of first impression, the Superior Court of Massachusetts applied the doctrine of continuous representation for statute of limitations purposes to accountants for the first time in Massachusetts.

In *Kinney v. Metro Global Media, Inc.*, 170 F. Supp. 2d 173 (D.R.I. 2001), MURRAY, FRANK & SAILER successfully argued on a case of first impression in the District of Rhode Island for the pleading standard for claims against an auditor under the Private Securities Litigation Reform Act of 1995.

In *Feiner v. SS&C Tech., Inc.*, 11 F. Supp. 2d 204 (D. Conn. 1998), MURRAY, FRANK & SAILER prevailed on an issue of first

impression concerning the liability of a qualified independent underwriter for an initial public offering.

In *Adair v. Bristol Tech. Sys., Inc.*, 179 F.R.D. 126 (S.D.N.Y. 1998), MURRAY, FRANK & SAILER prevailed on an issue of first impression in the Southern District of New York, successfully arguing that standing under the Securities Act of 1933 was not limited to buyers who purchased directly on an initial public offering. The opinion was subsequently cited in decisions and secondary sources over 70 times.

THE PARTNERS

THE PARTNERS

BRIAN MURRAY, a partner, was admitted to the bars of Connecticut in 1990, New York and the United States District Courts for the Southern and Eastern Districts of New York in 1991, the Second Circuit in 1997, the First and Fifth Circuits in 2000, and the Ninth Circuit in 2002. He received Bachelor of Arts and Master of Arts degrees from the University of Notre Dame in 1983 and 1986, respectively. He received a Juris Doctor degree, *cum laude*, from St. John's University School of Law in 1990. At St. John's, he was the Articles Editor of the ST. JOHN'S LAW REVIEW. Mr. Murray co-wrote: *Jurisdição Estrangeira Tem Papel Relevante Na De Fiesa De Investidores Brasileiros*, ESPAÇA JURÍDICO BOVESPA (August 2008); *The Proportionate Trading Model: Real Science or Junk Science?*, 52 CLEVELAND ST. L. REV. 391 (2004-05); *The Accident of Efficiency: Foreign Exchanges, American Depository Receipts, and Space Arbitrage*, 51 BUFFALO L. REV. 383 (2003); *You Shouldn't Be Required To Plead More Than You Have To Prove*, 53 BAYLOR L. REV. 783 (2001); *He Lies, You Die: Criminal Trials, Truth, Perjury, and Fairness*, 27 NEW ENGLAND J. ON CIVIL AND CRIMINAL CONFINEMENT 1 (2001); *Subject Matter Jurisdiction Under the Federal Securities Laws: The State of Affairs After Itoba*, 20 MARYLAND J. OF INT'L L. AND TRADE 235 (1996); *Determining Excessive Trading in Option Accounts: A*

Synthetic Valuation Approach, 23 U. DAYTON L. REV. 316 (1997); *Loss Causation Pleading Standard*, NEW YORK LAW JOURNAL (Feb. 25, 2005); *The PSLRA 'Automatic Stay' of Discovery*, NEW YORK LAW JOURNAL (March 3, 2003); and *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004). He also authored *Protecting The Rights of International Clients in U.S. Securities Class Action Litigation*, INTERNATIONAL LITIGATION NEWS (Sept. 2007); *Lifting the PSLRA "Automatic Stay" of Discovery*, 80 N. DAK. L. REV. 405 (2004); *Aftermarket Purchaser Standing Under § 11 of the Securities Act of 1933*, 73 ST. JOHN'S L. REV. 633 (1999); *Recent Rulings Allow Section 11 Suits By Aftermarket Securities Purchasers*, NEW YORK LAW JOURNAL (Sept. 24, 1998); and Comment, *Weissmann v. Freeman: The Second Circuit Errs in its Analysis of Derivative Copyrights by Joint Authors*, 63 ST. JOHN'S L. REV. 771 (1989).

Mr. Murray was on the trial team that prosecuted a securities fraud case under Section 10(b) of the Securities Exchange Act of 1934 against Microdyne Corporation in the Eastern District of Virginia and he was also on the trial team that presented a claim under Section 14 of the Securities Exchange Act of 1934 against Artek Systems Corporation and Dynatech Group which settled midway through the trial.

THE PARTNERS

Mr. Murray's major cases include *In re Eagle Bldg. Tech. Sec. Litig.*, 221 F.R.D. 582 (S.D. Fla. 2004), 319 F. Supp. 2d 1318 (S.D. Fla. 2004) (complaint against auditor sustained due to magnitude and nature of fraud; no allegations of a "tip-off" were necessary); *In re Turkcell Iletisim A.S. Sec. Litig.*, 209 F.R.D. 353 (S.D.N.Y. 2002) (defining standards by which investment advisors have standing to sue); *In re Turkcell Iletisim A.S. Sec. Litig.*, 202 F. Supp. 2d 8 (S.D.N.Y. 2001) (liability found for false statements in prospectus concerning churn rates); *Feiner v. SS&C Tech., Inc.*, 11 F. Supp. 2d 204 (D. Conn. 1998) (qualified independent underwriters held liable for pricing of offering); *Malone v. Microdyne Corp.*, 26 F.3d 471 (4th Cir. 1994) (reversal of directed verdict for defendants); and *Adair v. Bristol Tech. Systems, Inc.*, 179 F.R.D. 126 (S.D.N.Y. 1998) (aftermarket purchasers have standing under section 11 of the Securities Act of 1933). Mr. Murray also prevailed on an issue of first impression in the Superior Court of Massachusetts, in *Cambridge Biotech Corp. v. Deloitte and Touche LLP*, in which the court applied the doctrine of continuous representation for statute of limitations purposes to accountants for the first time in Massachusetts. 6 Mass. L. Rptr. 367 (Mass. Super. Jan. 28, 1997). In addition, in *Adair v. Microfield Graphics, Inc.* (D. Or.), Mr. Murray settled the case for 47% of estimated damages.

Mr. Murray served as a Trustee of the Incorporated Village of Garden City (2000-2002); Commissioner of Police for Garden City (2000-2001); Co-Chairman, Derivative Suits Subcommittee, American Bar Association Class Action and Derivative Suits Committee, (2007-Present); Member, Sports Law Committee, Association of the Bar for the City of New York, 1994-1997; Member, Litigation Committee, Association of the Bar for the City of New York, 2003-2007; Member, New York State Bar Association Committee on Federal Constitution and Legislation, 2005-2008; Member, Federal Bar Council, Second Circuit Committee, 2007-present.

Mr. Murray has been a panelist at CLEs sponsored by the Federal Bar Council and the Institute for Law and Economic Policy, at the German-American Lawyers Association Annual Meeting in Frankfurt, Germany, and is a frequent lecturer before institutional investors in Europe and South America on the topic of class actions.

THE PARTNERS

MARVIN L. FRANK, the managing partner, was admitted to the bars of New York, New Jersey, and the United States District Court for the District of New Jersey in 1991, the United States District Courts for the Southern and Eastern Districts of New York in 1992, the Second Circuit in 1998, the Seventh Circuit in 1999, the United States Supreme Court in 2004, the District of Nebraska in 2005, the Eastern District of Michigan in 2006, the Northern District of Texas in 2006, the Western District of New York in 2008, and the Northern District of Illinois in 2008. Mr. Frank graduated with a Bachelor of Arts degree from The City College of New York in 1969, a Master of Business Administration degree from Bernard M. Baruch College in 1974, and received his Juris Doctor degree, *magna cum laude*, from New York Law School in 1991. At New York Law School, he received the Kaplun Foundation Award For Academic Excellence.

Mr. Frank's major cases include *In re General Motors Corp. Sec. Litig.*, 05-CV-8088 (S.D.N.Y.), in which the Court, before appointing the firm lead counsel, stated "we know Mr. Frank very well, so they are both esteemed and experienced attorneys in these matters, and I don't think anybody could go wrong with either one of them to be honest with you"; *Kosseff v. Gilman & Ciocia, Inc.*, C.A. No. 188-MG (Del. Ch. Oct. 31, 2008), in which the Court stated "I

note that plaintiff's attorneys are capable of sophisticated corporate litigation and have a good reputation within the bar"; *Sclafani v. Barilla America, Inc.*, 2004-03542 (N.Y. App. Div.), in which Mr. Frank successfully argued before the Supreme Court's Appellate Division that General Business Law § 349(d) did not establish a complete defense to a plaintiff's allegation that Barilla's packaging misled consumers into believing the company's pasta was made in Italy, obtaining a reversal of a trial court dismissal; *Miller v. Bonmati*, Del. Ch., C.A. No. 15849 (Lamb, V.C.) (Del. Ch. Mar. 18, 1999), in which the Court stated, while approving a \$9.9 million recovery: "I am quite pleased by the work that was done by the plaintiffs' counsel. They seem to have done a very professional job of dealing with a difficult situation and have obtained, from everything I can ascertain from the record in front of me, quite a beneficial settlement that gives an opportunity for this situation to work itself out."; *In re JWP Inc. Sec. Litig.* (S.D.N.Y.) (\$40 million recovery); *In re Marion Merrell Dow Inc. Sec. Litig.* (W.D. Mo.) (\$14 million); *In re PictureTel Inc. Sec. Litig.* (D. Mass.) (\$14 million); *In re ContiFinancial Sec. Litig.* (S.D.N.Y.) (\$5.5 million); *In re EIS International, Inc. Sec. Litig.*, 97-cv-813 (D. Conn. 2006), in which the Court stated: "I wanted to compliment counsel . . . We have been together quite a long time in



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the case and I appreciate all the fine legal work that you've done.”; and *In re Quintiles Transnational Sec. Litig.* (M.D.N.C.) (\$3 million).

Mr. Frank is the firm's representative on the Executive Committee of the National Association of Shareholder and Consumer Attorneys (NASCAT). He is also Vice President of the Institute for Law and Economic Policy (ILEP), a public policy research and educational foundation established to preserve, study, and enhance access to the civil justice system by shareholders and consumers and is Vice President of the Emerald Green Property Owners Association in Rock Hill, New York.

Mr. Frank co-wrote *Staying Derivative Actions Pursuant to PSLRA and SLUSA*, NEW YORK LAW JOURNAL (Oct. 21, 2005) and the SECURITIES REFORM ACT LITIGATION REPORTER, Vol. 20, No. 3 (Dec. 2005). Mr. Frank has been a panelist at the American Banker's Association Operations Conference for Securities, Brokerage & Trust in Memphis, Tennessee; a panelist at the Magenta One Conference for Securities and Trust on the Isle of Jersey, United Kingdom; and a panelist at the Global Pensions' Conference on Shareholder Responsibility and Class Action Law in London.

THE PARTNERS

JACQUELINE SAILER, a partner, was admitted to the bars of Delaware in 1990, the United States District Court for the District of Delaware in 1991, New York and the United States District Courts for the Southern and Eastern Districts of New York in 1996, the United States Court of Appeals for the Sixth Circuit and the United States District Court for the District of Colorado in 1997, the United States Court of Appeals for the Second Circuit in 1998, and the United States Supreme Court in 2005. She graduated with honors from Smith College with a Bachelor of Arts degree in 1985. She received a Juris Doctor degree from St. John's University School of Law in 1990. Ms. Sailer is fluent in French. She is a member of the Federal Bar Council; the New York State Bar Association; and the Association of the Bar for the City of New York, including the Sex and Law Committee, 1996-1999. Ms. Sailer is the co-author of *Loss Causation Pleading Standards*, NEW YORK LAW JOURNAL (Feb. 25, 2005).

Among the major cases in which Ms. Sailer has served as Lead or Co-Lead Counsel, Ms. Sailer served as Co-Chair of the Executive Committee of Lead Counsel in *In re Merrill Lynch & Co., Inc. Research Reports Sec. Litig.* (S.D.N.Y.), in which \$125 million was recovered on behalf of investors in settlement of claims of misrepresentations in published analyst reports. In

approving that settlement, the court commended MURRAY, FRANK & SAILER's "skillful and zealous representation over a six-year period," and found that the "high quality of representation provided by Lead Counsel is evident from the extensive record of this case." *In re Merrill Lynch & Co., Inc. Research Reports Securities Litigation*, 246 F.R.D 156, 164, 174 (S.D.N.Y. 2007). Ms. Sailer was also responsible for the recovery of \$40 million worth of benefits for a plaintiff class of wireless consumers in a state consumer class action, *Naevus Int'l, Inc. v. AT&T Corp.*; \$8 million cash for purchasers of generic drug manufacturer Andrx Corp. common stock; and \$6.3 million cash for purchasers of Xybernaut Corp. common stock. Her major reported cases as lead counsel include *Naevus Intl., Inc. v. AT&T Corp.*, 713 N.Y.S.2d 642 (Sup. Ct. New York Co. 2000) (establishing limits on the reach of the Federal Communications Act on state consumer fraud claims), in which she successfully argued against a motion to dismiss on behalf of a class of current and former subscribers to AT&T's wireless service; and a federal securities class action: *Baffa v. Donaldson, Lufkin & Jenrette Securities Corp.*, 999 F. Supp. 725 (S.D.N.Y. 1998) (denying underwriters' motion to dismiss securities fraud claims); *Kinney v. Metro Global Media, Inc.*, 170 F. Supp. 2d 173 (D.R.I. 2001)



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(addressing the pleading standard for fraud under the Private Securities Litigation Reform Act of 1995 for claims against an auditor, an issue of first impression in the District of Rhode Island), in which she successfully argued and opposed an auditor's motion to dismiss claims under Section 10(b) of the Securities Exchange Act of 1934. At the fairness hearing in *Metro Global*, the court expressed an "appreciation for how difficult this case was for all sides, for how hotly contested many of the issues in this case were from the get-go and how reaching a settlement, given all of those considerations, was particularly difficult; so I commend all of you for persevering in the efforts that you made toward reaching a settlement . . . [and] for achieving what I find to be a fair, adequate and reasonable result[.]"

Ms. Sailer's trial experience includes the prosecution of a breach of contract case that was tried successfully before a jury in the United States District Court for the District of Delaware.

Currently Ms. Sailer's major case responsibilities include serving as lead counsel in *In re Harley-Davidson, Inc. Securities Litigation*, (E.D. Wis.), and *Cunningham v. National City Bank* (D. Mass.) (consumer class action).

THE PARTNERS

LEE ALBERT, a partner, was admitted to the bars of the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey in 1986. He received his B.S. and M.S. degrees from Temple University and Arcadia University in 1975 and 1980, respectively, and received his J.D. degree from Widener University School of Law in 1986. Upon graduation from law school, Mr. Albert spent several years working as a civil litigator in Philadelphia, PA. In 2001, he joined Mager White & Goldstein, subsequently Mager & Goldstein, and was named partner in January, 2005.

Mr. Albert represents clients in all types of complex litigation including matters concerning violations of federal and state antitrust and securities laws, mass tort/product liability, and unfair and deceptive trade practices. Some of Mr. Albert's major cases include *In re Ortho Evra Birth Control Patch Litigation* (N.J. Super. Ct., Middlesex County); *In re Broadcom Securities Litigation* (C.D. Cal.); *In re AOL Time Warner, Inc. Securities Litigation* (S.D.N.Y.); *In re WorldCom, Inc. Securities Litigation* (S.D.N.Y.); *In re Canadian Car Antitrust Litigation* (D. Me.); and *In re Microsoft Corporation Massachusetts Consumer Protection Litigation* (Mass. Super. Ct.). Mr. Albert has obtained injunctive relief

in federal court to enforce a five-year contract not to compete on behalf of a national health care provider and injunctive relief on behalf of an undergraduate university.

Mr. Albert has extensive litigation and appellate practice experience having argued before the Supreme and Superior Courts of Pennsylvania and has over fifteen years of trial experience in both jury and non-jury cases and arbitrations.

Mr. Albert is active in local politics and has served as his party's representative as Municipal Chair of Whitemarsh Township, PA.

SPECIAL COUNSEL

SPECIAL COUNSEL

RANDALL H. STEINMEYER, is a member of the Firm's Securities and Antitrust Securities Litigation Group. Mr. Steinmeyer received a J.D. degree, *cum laude*, from Hamline University School of Law in 1996, where he was a member of the Hamline Law Review. He received a Bachelor of Science degree from the University of Southern California in 1993. He is a member of the bars of Minnesota and the United States District Court for the District of Minnesota. He is the author of multiple articles on the hedge fund and pension fund industry. Prior to joining MURRAY, FRANK & SAILER Mr. Steinmeyer was a partner with Coughlin Stoia Geller Rudman & Robbins LLP (formerly Lerach Coughlin Stoia Geller Rudman & Robbins LLP) and Milberg LLP where he served as counsel in the world's largest complex class actions involving securities fraud while recovering record settlements in cases such as Enron, Dynegy, Sprint, Hanover Compressor, and hundreds of others, many of which had precedent setting impacts on the securities bar. Before that, Mr. Steinmeyer headed the securities litigation department of Reinhardt Wendorf & Blanchfield in St. Paul, Minnesota.

Mr. Steinmeyer is a former securities broker and held Series 7 and Series 63 licenses with the National Association of Securities Dealers (now FINRA). He has concentrated his practice in the areas of securities and antitrust litigation since 1996. He has extensive experience, including substantial jury and non-jury trial work in broker-dealer and class

action litigation including securities, commodities and public finance. Contemporaneously with his work at his current and previous firms, Mr. Steinmeyer served on the Board of Directors of the Hedge Fund Association for several years after serving as General Counsel for the National Association of Investment Professionals.

As part of his practice he also is a guest speaker and lecturer on matters concerning current cases, changes in case law, and their respective impact on shareholders rights. His appearances have spanned the globe, from multiple television appearances in the US on CNBC to Ch. 2 Francais. From 2000 to the present, Mr. Steinmeyer has been a regular guest speaker in the offshore financial community, including the United Kingdom, France, Germany, Portugal, Cayman Islands, the Netherlands, Italy, Channel Islands (Guernsey and Jersey), Bermuda, Mexico, Switzerland, and the Netherland Antilles. During 2002 Mr. Steinmeyer convened with the Channel Islands Securities financial authorities to assist in the proposition of new legislation ensuring that Guernsey and Jersey institutions, while acting as fiduciaries, would have better access to class action notice and participation. In 2003, Mr. Steinmeyer was a guest lecturer at Oxford University. In 2004, in Italy at the University of Verona, he lectured on the conflicts of UK and European law with US law and how, by availing themselves of US law, funds based in the UK and the European Union can recover their losses caused by securities fraud.

THE ASSOCIATES

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CHARLES CLAY CARROLL was admitted to the bars of Alabama and the United States District Courts for the Northern, Middle, and Southern Districts of Alabama in 2003, and the bar of Kentucky in 2005, the United States Court of Appeals for the Sixth Circuit in 2007, the United States Court of Appeals for the Eleventh Circuit in 2007, the United States Court of Appeals for the Federal Circuit in 2007, the United States Court of International Trade in 2007, and the Supreme Court of the United States in 2007. He earned his Juris Doctor degree in 2002 from the

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