

1 Lynn Lincoln Sarko (Admitted Pro Hac Vice)  
2 lsarko@kellerrohrback.com  
3 Derek W. Loeser (Admitted Pro Hac Vice)  
4 dloeser@kellerrohrback.com  
5 Sarah H. Kimberly (Admitted Pro Hac Vice)  
6 skimberly@kellerrohrback.com  
7 KELLER ROHRBACK L.L.P.  
8 1201 Third Avenue, Suite 3200  
9 Seattle, WA 98101-3052  
10 Telephone: (206) 623-1900  
11 Facsimile: (206) 623-3384  
12 *Class Counsel*

13 Michael D. Braun (167416)  
14 service@braunlawgroup.com  
15 BRAUN LAW GROUP, P.C.  
16 10680 West Pico Boulevard, Suite 280  
17 Los Angeles, CA 90064  
18 Phone: (310) 836-6000  
19 Fax: (310) 836-6010  
20 *Liaison Counsel*

21 **UNITED STATES DISTRICT COURT**  
22 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

23 IN RE FREMONT GENERAL  
24 CORPORATION LITIGATION

25 **CASE No. CV07-02693 JHN(FFMx)**

26 **CLASS ACTION**

27 **DECLARATION OF DEREK W.**  
28 **LOESER IN SUPPORT OF PLAINTIFFS'**  
**MOTION FOR AWARD OF**  
**ATTORNEYS' FEES, EXPENSES, AND**  
**CASE CONTRIBUTION AWARDS**

**DATE : MONDAY, AUGUST 8, 2011**  
**TIME : 10:30 A.M.**  
**CtRM : 790**

**BEFORE THE HON. JACQUELINE HONG-**  
**NGOC NGUYEN**

**Table of Contents**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I. TIME AND EFFORT DEDICATED TO THIS CASE .....3

II. CLASS COUNSEL OBTAINED EXCEPTIONAL RESULTS.....9

III. CLASS COUNSEL ARE HIGHLY SKILLED .....11

IV. THE LODESTAR CROSS-CHECK CONFIRMS THE REASONABLENESS OF THE REQUESTED FEE .....11

V. PLAINTIFFS’ COUNSEL SHOULD BE REIMBURSED FOR THEIR REASONABLE EXPENSES .....12

VI. CASE CONTRIBUTION AWARDS ARE WARRANTED FOR THE NAMED PLAINTIFFS.....13

VII. CONCLUSION.....14

1  
2 Derek W. Loeser declares pursuant to the penalties of perjury under 28  
3 U.S.C. § 1746 as follows:

4 1. I am a partner of Keller Rohrback L.L.P. and a member in good  
5 standing of the State Bar of Washington. My firm is Counsel for Named Plaintiff  
6 Marcy Johannesson and Class Counsel for the certified Class. I have been  
7 personally involved in the litigation of this matter and am responsible for the  
8 prosecution of this action.

9 2. I submit this declaration in further support of Plaintiffs' Motion for  
10 Award of Attorneys' Fees, Expenses, and Case Contribution Awards. I have  
11 personal knowledge of the matters stated herein and, if called upon, could and  
12 would competently testify thereto.

13 **I. TIME AND EFFORT DEDICATED TO THIS CASE**

14 3. Class Counsel have devoted significant time and effort to this case  
15 since May 2007, when the first complaint was filed. Class Counsel's efforts were  
16 intensive, carefully coordinated, and efficient.

17 4. To date, Plaintiffs' Counsel<sup>1</sup> has devoted over 10,550 attorney and  
18 professional hours to the prosecution of this case. These hours include time spent,  
19 among other things:

- 20 • conducting legal research;  
21 • drafting the Consolidated Complaint;  
22 • drafting and responding to numerous motions;  
23 • drafting and filing claims and motions in the bankruptcy proceedings;

24  
25 

---

<sup>1</sup> Per the Stipulation and Agreement of Settlement – ERISA Class Action (Dkt. No.  
26 255-1) (“Settlement Agreement”), Plaintiffs' Counsel includes “Class Counsel  
27 and any other counsel representing any Class Member in any action consolidated  
28 into this Action.” Settlement Agreement ¶ 1.27. Capitalized terms not otherwise  
defined herein have the same meaning given them in the Settlement Agreement.

- 1 • conferring with defense counsel about case matters, deadlines, and
- 2 filings;
- 3 • researching publicly available information on the mortgage crisis in
- 4 general and Fremont in particular;
- 5 • negotiating the production of documents;
- 6 • reviewing documents;
- 7 • preparing for, defending, and taking numerous depositions;
- 8 • analyzing the available insurance policies;
- 9 • negotiating and drafting stipulated protective orders;
- 10 • consulting and working with experts;
- 11 • drafting a mediation statement and participating in a mediation;
- 12 • negotiating the Settlement; and
- 13 • preparing for Court hearings.

14 5. I have gathered and reviewed time and expense reports from our  
15 firms—Keller Rohrback L.L.P. and Keller Rohrback P.L.C. (our affiliated law firm  
16 in Phoenix, Arizona) (together, “Keller Rohrback”)—and from Liaison Counsel,  
17 Braun Law Group, P.C., as well as from remaining Plaintiffs’ Counsel: Kessler  
18 Topaz Meltzer & Check, LLP; Milberg LLP; Cuneo Gilbert & LaDuca, L.L.P.;  
19 Law Offices of Eric E. Castelblanco; Lockridge Grindal Nauen P.L.L.P.; McTigue  
20 & Veis LLP; Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor;  
21 Markun Zusman & Compton LLP; and Mansfield, Tannick & Cohen, who did  
22 approved work on this case. These time and expense reports are summarized  
23 below.

24 6. Class Counsel worked diligently and efficiently on this case. We  
25 carefully assigned work within our own firm to minimize the fees in the case.  
26 Thus, senior attorneys did not do the work that could be accomplished by more  
27 junior attorneys, and attorneys did not do work that could be completed by  
28

1 paralegals. Throughout the litigation, we made sure that we litigated the action in  
2 the most efficient method possible. Nonetheless, the case required dedicated focus  
3 of a number of Keller Rohrback attorneys who were called upon to counter the  
4 efforts of Defense Counsel, who vigorously represented their clients.

5 7. Since the inception of this case and in accordance with their normal  
6 business practices, Class Counsel have maintained detailed and contemporaneous  
7 records of the time spent by their lawyers, law clerks, paralegals, and certain other  
8 personnel on this action. Our timekeepers are required to keep daily time-records,  
9 both noting amounts of time spent on projects and providing descriptions of that  
10 work. These records then are computerized, checked, and maintained in databases.  
11 These systems allow us to be confident that the hours reported for this case are  
12 accurate.

13 8. The hourly rates charged by Class Counsel in this case are prevailing  
14 rates in their communities, have been approved in many judicial settlement  
15 hearings, and are consistent with rates approved in this Circuit and others in many  
16 recent ERISA class action cases.

17 9. Keller Rohrback is a Seattle-based firm, with additional offices in  
18 New York City, Phoenix, and Santa Barbara, and its rates are in line with the rates  
19 charged by other Seattle-based firms and firms with substantial offices in Seattle  
20 that also represent clients in major class action and complex financial cases in  
21 districts across the country.

22 10. General rate information for many major law firms is provided in the  
23 “Annual Attorney Billing Survey,” *National Law Journal* (2010), which is  
24 available online with a subscription at [http://www.law.com/jsp/nlj/  
25 PubArticleNLJ.jsp?id=1202475563622](http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202475563622). According to the 2010 Survey, the rates of  
26 Seattle-based firms Perkins Coie LLP, Lane Powell PC, and Davis Wright  
27 Tremaine LLP are between \$200 and \$825 per hour, \$230 and \$600 per hour, and  
28

1 \$210 and \$795 per hour, respectively. The rates of Phoenix-based firm Snell &  
2 Wilmer are between \$175 and \$795 per hour.

3 11. Class Counsel's rates are also comparable to rates charged by counsel  
4 with special expertise in complex ERISA, financial, and other class action  
5 litigation. The rates charged by counsel who specialize in large-scale, complex  
6 ERISA cases are relevant "because ERISA cases involve a national standard, and  
7 attorneys practicing ERISA in the Ninth Circuit tend to practice in different  
8 districts. Furthermore, ERISA cases are often considered to be complex, ERISA  
9 plaintiff cases are often undesirable, and Plaintiff's attorneys possess extensive  
10 experience in ERISA law." *Mogck v. Unum Life Ins.*, 289 F. Supp. 2d 1181, 1191  
11 (S.D. Ca. 2003); *see also McAfee v. Metro. Life Ins. Co.*, 625 F. Supp. 2d 956, 975  
12 (E.D. Ca. 2008) ("ERISA cases involve a national standard."); *Welch v. Metro.*  
13 *Life Ins. Co.*, 480 F.3d 942, 946 (9th Cir. 2007) ("Billing rates should be  
14 established by reference to the fees that private attorneys of an ability and  
15 reputation comparable to that of prevailing counsel charge their paying clients for  
16 legal work of similar complexity.").

17 12. As of June 28, 2011, Keller Rohrback had spent a total of 7,797.52  
18 hours on this litigation. The total lodestar amount for the attorney and paralegal  
19 time based on the firm's current rates is \$3,076,551.05. These computations are  
20 itemized in Exhibit A hereto. For personnel who are no longer employed by the  
21 firm, the lodestar calculation is based upon the billing rates for such personnel in  
22 his or her final year of employment by Keller Rohrback.

23 13. The hours, rates, and lodestars of the remaining Plaintiffs' Counsel are  
24 detailed in their respective declarations filed concurrently herewith. The total  
25 lodestar of Plaintiffs' Counsel as of June 28, 2011, was \$4,341,599.30, with a total  
26 of 10,552.73 hours expended. This lodestar does not reflect the risk of  
27 nonpayment. Below is a chart summarizing each firm's lodestar:  
28

<b>Firm</b>	<b>Hours</b>	<b>Lodestar</b>
<b>Keller Rohrback</b>		
Attorneys	4,842.95	\$2,483,253.00
Professionals	2,954.57	\$593,298.05
<b>Total</b>	<b>7,797.52</b>	<b>\$3,076,551.05</b>
<b>Braun Law Group</b>		
Attorneys	81.00	\$46,575.00
Professionals	28.05	\$5,469.75
<b>Total</b>	<b>109.05</b>	<b>\$52,044.75</b>
<b>Kessler Topaz Meltzer &amp; Check</b>		
Attorneys	146.15	\$72,341.75
Professionals	74.80	\$17,396.25
<b>Total</b>	<b>220.95</b>	<b>\$89,738.00</b>
<b>Milberg</b>		
Attorneys	413.50	\$249,412.50
Professionals	300.25	\$100,306.25
<b>Total</b>	<b>713.75</b>	<b>\$349,718.75</b>
<b>Cuneo Gilbert &amp; LaDuca</b>		
Attorneys	366.35	\$185,106.25
Professionals	1.25	\$237.50
<b>Total</b>	<b>367.60</b>	<b>\$185,343.75</b>
<b>Law Offices of Eric E. Castelblanco</b>		
Attorneys	294.30	\$161,865.00
Professionals	0	\$0
<b>Total</b>	<b>294.30</b>	<b>\$161,865.00</b>
<b>Lockridge Grindal Nauen</b>		
Attorneys	171.00	\$76,206.25
Professionals	68.00	\$9,076.25
<b>Total</b>	<b>239.00</b>	<b>\$85,282.50</b>
<b>McTigue &amp; Veis</b>		
Attorneys	578.51	253,026.00
Professionals	64.15	14695.00
<b>Total</b>	<b>642.66</b>	<b>\$267,721.00</b>
<b>Liner Grode Stein Yankelevitz Sunshine Regenstreif &amp; Taylor</b>		
Attorneys	78.20	\$38,936.00
Professionals	6.40	\$1,184.00
<b>Total</b>	<b>84.60</b>	<b>\$40,120.00</b>

Firm	Hours	Lodestar
<b>Markun Zusman &amp; Compton</b>		
Attorneys	25.30	\$12,255.00
Professionals	9.20	\$1,380.00
<b>Total</b>	<b>34.50</b>	<b>\$13,635.00</b>
<b>Mansfield, Tannick &amp; Cohen</b>		
Attorneys	42.80	\$18,743.50
Professionals	6.00	\$836.00
<b>Total</b>	<b>48.80</b>	<b>\$19,579.50</b>
<b>Total</b>	<b>10,552.73</b>	<b>\$4,341,599.03</b>

14. Significant additional attorney hours will be necessary after June 28, 2011, the date as of which the above numbers were compiled, to complete the remaining work on this case. In addition to incurring hours in connection with drafting final approval papers and preparing for the Fairness Hearing, past experience suggests that we will spend a substantial amount of additional time over the next year or more following final approval responding to inquiries from Class Members, interacting with A.B. Data, Ltd. (the Settlement Administrator), and generally overseeing implementation of the Settlement.

15. For example, in *In re Enron Corp. Securities, Derivative & ERISA Litigation*, No. 01-3913 (S.D. Tex), Keller Rohrback was co-lead counsel and is still responding to inquiries from class members, advising the district court of counsel’s views on various implementation matters, and monitoring the docket, even though the court gave final approval to the settlement in 2007. In addition, as co-lead counsel in *In re Goodyear ERISA Litigation*, No. 03-2182 (N.D. Ohio), Keller Rohrback incurred over \$700,000 in additional fees after final court approval of the settlement.

16. Class Counsel do not intend to apply for reimbursement of additional fees, substantial as they may be, incurred after final approval. However for purposes of evaluating the reasonableness of the 30% fee request and performing the lodestar cross-check, it is appropriate to consider the additional fees that Class

1 Counsel will incur. Based on our experience in other cases of similar scope, Class  
2 Counsel conservatively estimate that, at a minimum, additional fees will be  
3 \$100,000. Thus, whereas the current lodestar is \$4,341,599.30, the actual lodestar  
4 will be at least \$4,441,599.30.

## 5 **II. CLASS COUNSEL OBTAINED EXCEPTIONAL RESULTS**

6 17. The \$21,000,000 recovery represents a substantial amount of the  
7 Plans' total potential recovery in this case.

8 18. To calculate the Plans' losses, Plaintiffs retained a well-regarded  
9 expert, Saul Solomon from UHY Advisors Forensic, Litigation & Valuation  
10 Services, Inc. ("UHY").

11 19. Mr. Solomon is a managing partner of UHY and has calculated losses  
12 for retirement plans in numerous ERISA breach of fiduciary duty cases, including  
13 *In re WorldCom Inc. ERISA Litigation*, *In re Williams Cos. ERISA Litigation*, *In re*  
14 *Enron Corp. Securities Derivate and "ERISA" Litigation*, *In re IndyMac ERISA*  
15 *Litigation*, *Alvidres v. Countrywide Financial Corp.*, and others.

16 20. Mr. Solomon calculated the range of potential damages in this case by  
17 determining the capital loss of the Fremont stock fund. Capital loss was ascertained  
18 by adding holder damages to purchaser damages and, as an alternative, by  
19 calculating purchaser damages only.

20 21. Plaintiffs received Plan transactional data to analyze the damages in  
21 this case. The relevant time period for purposes of calculating damages was the  
22 breach date—when Defendants knew or should have known Fremont stock was an  
23 imprudent investment for participants' retirement assets—through the end of the  
24 Class Period, December 31, 2008.

25 22. Capital loss was calculated based on different breach dates. This is a  
26 common approach in ERISA breach of fiduciary duty cases, because in order to  
27 have a realistic assessment of provable losses in a case of this type, Plaintiffs must  
28

1 consider the possibility that they would not be able to establish a breach of  
2 fiduciary duty at the outset of the proposed Class Period (when damages are  
3 larger), but instead, would only be able to prove a breach later in the Class Period  
4 after Fremont's financial condition had further deteriorated, lowering the stock  
5 price and Plaintiffs' recoverable losses. With a later breach date, the evidence that  
6 Defendants knew or should have known Fremont stock had become an imprudent  
7 investment would be stronger, but the amount of the losses would be smaller since  
8 the value of the Plans' investments in the stock decreased over the course of the  
9 Class Period.

10 23. Thus, Plaintiffs used three different breach dates for purposes of  
11 damages analysis: the proposed Class Period start date (January 1, 2005), and two  
12 alternate dates, February 27, 2007 (the date the FDIC issued its Cease and Desist  
13 Order), and March 7, 2007 (the date Fremont consented to the Order). Damages  
14 were also calculated based on two distinct measures of loss—the first comprised  
15 both “holder” losses and “purchaser losses,” and the second just “purchaser  
16 losses.” This is a common approach because the Parties disagree on which  
17 measure of loss is appropriate, and the issue has not been resolved by the courts.  
18 Holder losses are losses that result from Fremont stock purchased by the Plans  
19 *before* the beginning of the Class Period but held (imprudently) after the point at  
20 which Fremont stock became an imprudent investment. Purchaser losses are losses  
21 that result from stock purchased after the established breach date.

22 24. The following chart summarizes the potential damages in this case  
23 based on the three different breach dates and the two different methods for  
24 calculating capital loss:  
25  
26  
27  
28

Breach Date	Capital Loss: Holder and Purchaser Damages	Capital Loss: Purchaser Damages Only
Jan. 1, 2005	\$194,750,093	\$81,759,806
Feb. 27, 2007	\$72,110,420	\$14,053,012
March 7, 2007	\$42,207,115	\$11,464,658

25. Thus, in the event Plaintiffs were to prevail on liability, the potential range of damages based on the three different breach dates identified above is approximately \$11.5 million to \$195.8 million. Therefore, the Settlement represents a recovery of between 11% to 183% without a discount for the risk of not prevailing.

26. Thus, whatever the breach date ultimately proved (if any), and the measure of damages adopted, the Settlement provides a substantial recovery that exemplifies the exceptional results that Class Counsel achieved in this case.

### III. CLASS COUNSEL ARE HIGHLY SKILLED

27. This demanding case presented difficult factual, procedural, and legal issues. Successfully marshalling the evidence and applying the law required a high degree of expertise in complex ERISA and class action matters. Class Counsel—national leaders in pursuing this type of litigation—provided the high quality of services this case required, employing the expertise they have garnered from spearheading company stock and other ERISA and class action cases over the years. A copy of Class Counsel’s resume is attached hereto as Exhibit C.

### IV. THE LODESTAR CROSS-CHECK CONFIRMS THE REASONABLENESS OF THE REQUESTED FEE

28. Whether based on the current lodestar or the actual estimated lodestar taking into account future work following final approval, the lodestar cross-check confirms the reasonableness of the requested 30% fee (\$6,300,000). Based on the current lodestar, the 30% fee sought by Class Counsel represents a multiplier of 1.45. Taking into account the estimated additional \$100,000 of fees, the 30% fee

1 request represents a multiplier of 1.42. Either way, the multiplier is well below the  
2 typical range for cases of this type.

3 29. The reasonableness of the requested fee, under both the  
4 lodestar/multiplier and percentage of recovery analyses, is further bolstered by  
5 another metric: the lodestar as a percentage of the common fund. In effect, this  
6 metric combines the other two. If the lodestar is a small percentage of the common  
7 fund, a higher multiplier may be warranted. Conversely, if the lawyers' lodestar is  
8 a higher percentage of the recovery, a lower multiplier may be appropriate.

9 30. In this case the current lodestar is approximately 20.7% of the  
10 recovery, while the estimated lodestar is 21.2%. This reflects the amount of work  
11 that was necessary to achieve the result and indicates that a percentage award of  
12 well over that amount is appropriate, otherwise the lawyers are not fairly  
13 compensated for the risk of undertaking this case on a contingency basis.

14 31. Whatever the rubric—lodestar/multiplier, fees as percentage of  
15 recovery, or lodestar as percentage of recovery—the fee requested here is  
16 reasonable.

17 **V. PLAINTIFFS' COUNSEL SHOULD BE REIMBURSED FOR THEIR**  
18 **REASONABLE EXPENSES**

19 32. Plaintiffs' Counsel advanced significant unreimbursed expenses of the  
20 litigation. The expenses incurred in this action are commercially reasonable and  
21 are reflected on the books and records of each firm. The expenses include  
22 photocopying, legal research, filing fees, telephone, postage, computer-aided  
23 research, and document database storage and maintenance, as well as expert and  
24 mediation services and other reasonable and necessary costs that pertain to this  
25 litigation and which are incurred routinely in any litigation of this size and  
26 complexity.

27 33. Indeed, Class Counsel retained numerous experts to calculate  
28 damages, opine on fiduciary responsibilities under ERISA, conduct an event study,

1 and assess the prudence of Fremont stock as an investment option during the Class  
2 Period. The Parties also retained the Hon. Daniel Weinstein as a mediator and  
3 conducted a full-day mediation on September 29, 2010.

4 34. Through the course of this litigation, Keller Rohrback incurred a total  
5 of \$339,423.68 in unreimbursed expenses in connection with the prosecution of  
6 this litigation. The expenses incurred in this case are reflected in the books and  
7 records of the firm, and are itemized in Exhibit B hereto. These books and records  
8 are prepared from expense vouchers and credit card records and are an accurate  
9 record of the expenses incurred.

10 35. The total expenses incurred by remaining Plaintiffs' Counsel are  
11 detailed in their respective declarations and itemized in the corresponding Exhibit  
12 B attached to each declaration. Below is a chart summarizing each firm's expenses:

<b>Firm</b>	<b>Expenses</b>
<b>Keller Rohrback</b>	\$339,423.68
<b>Braun Law Group</b>	\$9,426.33
<b>Kessler Topaz Meltzer &amp; Check</b>	\$7,832.55
<b>Milberg</b>	\$15,957.66
<b>Cuneo Gilbert &amp; LaDuca</b>	\$5,799.81
<b>Law Offices of Eric E. Castelblanco</b>	\$1,156.70
<b>Lockridge Grindal Nauen</b>	\$2,139.71
<b>McTigue &amp; Veis</b>	\$16,360.05
<b>Liner Grode Stein Yankelevitz Sunshine Regenstreif &amp; Taylor</b>	\$1,985.51
<b>Markun Zusman &amp; Compton</b>	\$181.75
<b>Mansfield, Tannick &amp; Cohen</b>	\$414.27
<b>Total</b>	<b>\$400,678.02</b>

23 36. Plaintiffs' Counsel's total expenses were \$400,678.02.

24 **VI. CASE CONTRIBUTION AWARDS ARE WARRANTED FOR THE**  
25 **NAMED PLAINTIFFS**

26 37. Class Counsel wish to acknowledge the considerable efforts in the  
27 action by Marcy Johannesson, Wendy Horvat, Robert Anderson, Linda Sullivan,  
28 and James K. Hopkins, who are Named Plaintiffs and certified Class

1 Representatives. These individuals actively worked with Class Counsel and  
2 provided information to help guide the case.

3 38. Named Plaintiffs took time away from their work and family  
4 obligations to help achieve this excellent recovery on behalf of the Class. They  
5 stepped forward despite the stress and inconvenience of doing so and fully  
6 supported the litigation efforts.

7 39. Named Plaintiffs cooperated in gathering documents, kept abreast of  
8 all major developments in the litigation, and received and reviewed major  
9 pleadings in the case. They also assisted in responding to discovery requests and  
10 interrogatories propounded on them. In addition, each Named Plaintiff was  
11 deposed during class certification briefing. Without the effort and commitment of  
12 Marcy Johannesson, Wendy Horvat, Robert Anderson, Linda Sullivan, and James  
13 K. Hopkins, the Class would receive nothing.

## 14 **VII. CONCLUSION**

15 40. To date, Plaintiffs' Counsel have received no compensation for either  
16 their time or expenses over the nearly four years that this case has been pending.  
17 Plaintiffs' Counsel's fees and expenses are totally contingent and dependent on a  
18 fee and expense award by this Court.

19 41. In undertaking to represent the Class, Class Counsel had to ensure that  
20 sufficient resources and funds existed at all times, not only to prosecute the  
21 litigation in a cost-effective manner, but also to compensate vendors and cover  
22 additional expenses that would soon be required had the case proceeded. The  
23 financial burden on contingent fee counsel is far greater than it is on firms that are  
24 paid on an ongoing basis throughout lengthy and complex litigation.

25 42. Class Counsel obtained the Settlement Amount of \$21 million for the  
26 Class despite significant litigation risks, a vigorous defense, and no guarantee of  
27 compensation.  
28



# **EXHIBIT A**

## FREMONT GENERAL CORP. ERISA LITIGATION FEE REPORT

FIRM NAME: Keller Rohrback LLPREPORTING PERIOD: Inception - June 28, 2011

Timekeeper	Hours	Rate	Lodestar
<b>Attorneys:</b>			
Laurie Ashton	2.60	\$650	\$ 1,690.00
David Chen	15.40	\$415	\$ 6,391.00
T. David Copley	907.40	\$650	\$ 589,810.00
Juli Farris	0.70	\$650	\$ 455.00
Eric Fierro	66.00	\$350	\$ 23,100.00
Matthew M. Gerend	2.80	\$330	\$ 924.00
Benjamin Gould	0.20	\$375	\$ 75.00
Gary Gotto	161.80	\$695	\$ 112,451.00
Meredith Gray	44.90	\$250	\$ 11,225.00
Ron Kilgard	377.60	\$695	\$ 262,432.00
Sarah Kimberly	1,596.50	\$365	\$ 582,722.50
David J. Ko	397.90	\$375	\$ 149,212.50
Cari Laufenberg	407.90	\$425	\$ 173,357.50
Beth Leland	0.70	\$630	\$ 441.00
Tana Lin	0.30	\$610	\$ 183.00
Derek W. Loeser	466.10	\$650	\$ 302,965.00
Erin Riley	112.70	\$525	\$ 59,167.50
Lynn Lincoln Sarko	263.65	\$740	\$ 195,101.00
Margaret Wetherald	17.30	\$650	\$ 11,245.00
Amy Williams-Derry	0.50	\$610	\$ 305.00
<b>Attorney Totals:</b>	<b>4,842.95</b>		<b>\$ 2,483,253.00</b>
<b>Professionals:</b>			
Lauren Arnaud	62.3	\$205	\$ 12,771.50
Elise Bigley	115.00	\$190	\$21,850
Ryan P. Blackmarr	326.75	\$150	\$ 49,012.50
Michael Cady	3.20	\$190	\$ 608.00
Jason Dillman	47.50	\$215	\$ 10,212.50
Ben Ellis	40.00	\$195	\$ 7,800.00
Faye Farhang	32.00	\$210	\$ 6,720.00
Holly Gale	2.00	\$185	\$ 370.00
Mark Gangl	6.40	\$200	\$ 1,280.00
Alex Gotto	92.00	\$175	\$ 16,100.00
Kaarin Hecht	0.30	\$170	\$ 51.00
Deborah Heller	5.30	\$220	\$ 1,166.00
Jennifer Hill	7.50	\$225	\$ 1,687.50
Cathy Hopkins	12.90	\$190	\$ 2,451.00
Joann Jacobs	4.20	\$195	\$ 819.00
Anne Kent	39.67	\$180	\$ 7,140.60
David Maas	4.60	\$147	\$ 676.20
Robert McFadden	8.30	\$215	\$ 1,784.50
Nathan Moe	23.00	\$200	\$ 4,600.00
Alicia A. Novak	54.00	\$190	\$ 10,260.00
Lindsay N. Pearson	3.00	\$190	\$ 570.00
A. Josh Podoll	2.00	\$200	\$ 400.00
Melanie Pugh	13.20	\$190	\$ 2,508.00
Milana Shenderovich	10.80	\$190	\$ 2,052.00
Natalie Stephenson	1.10	\$210	\$ 231.00
Christopher Tin	1.40	\$210	\$ 294.00

<b>Timekeeper</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
Karen Trumpower	36.40	\$220	\$ 8,008.00
Jennifer Tuato'o	321.50	\$235	\$ 75,552.50
Linda Vandiver	1.80	\$190	\$ 342.00
Graham VanLeuven	5.25	\$175	\$ 918.75
Hilary Vargas	2.40	\$175	\$ 420.00
Joanne Wedemeyer	1,451.10	\$215	\$ 311,986.50
Michael Withy	217.70	\$150	\$ 32,655.00
<b>Professional Totals:</b>	<b>2,954.57</b>		<b>\$ 593,298.05</b>
<b>TOTAL</b>	<b>7,797.52</b>		<b>\$ 3,076,551.05</b>

# **EXHIBIT B**

**FREMONT GENERAL CORP. ERISA LITIGATION EXPENSE REPORT**

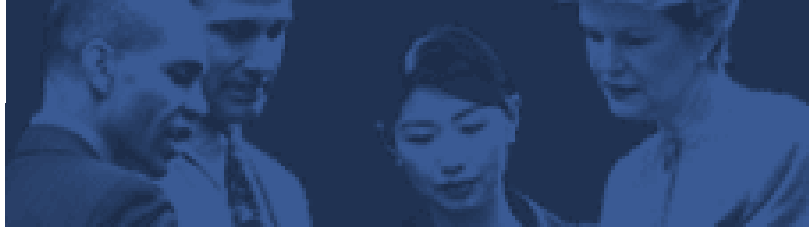
**FIRM NAME:** Keller Rohrback LLP

**REPORTING PERIOD:** Inception - June 28, 2011

<b>Description</b>	<b>Amount</b>
Travel (Air fare, ground travel, meals, lodging)	\$ 44,978.41
Telephone/Facsimile	\$ 703.68
Postage/Express Delivery	\$ 2,984.68
Messenger	\$ 33.00
Commercial Copies	\$ 8,920.39
Internal Copies	\$ 16,177.95
Experts/Consultants	\$ 164,951.12
Court Fees	\$ 2,287.50
Process Services	\$ 2,590.81
Court Reporters/Transcripts	\$ 20,893.45
Computer Research	\$ 48,543.48
Concordance	\$ 9,800.16
Mediation Services	\$ 15,043.75
Miscellaneous	
Interest on Line of Credit	\$ 841.60
Publication of Notice	\$ 150.00
Case Supplies	\$ 523.70
<b>Total</b>	<b>\$ 339,423.68</b>

# **EXHIBIT C**

**KELLER·ROHRBACK**  
LAW OFFICES



## ERISA LITIGATION GROUP



Keller Rohrbach L.L.P.—Seattle  
1201 Third Avenue, Suite 3200  
Seattle, Washington 98101-3052  
Telephone: (206) 623-1900

Keller Rohrbach P.L.C.—Phoenix  
3101 North Central Avenue, Suite 1400  
Phoenix, Arizona 85012  
Telephone: (602) 248-0088

Keller Rohrbach L.L.P.—New York  
770 Broadway, 2nd Floor  
New York, New York 10003  
Telephone: (646) 495-6198

Keller Rohrbach L.L.P.—Santa Barbara  
1129 State Street, Suite 8  
Santa Barbara, CA 93101  
Telephone: (805) 456-1496





## LEADERS IN ERISA CLASS ACTION LITIGATION

KELLER ROHRBACK is the nation's leading law firm handling ERISA retirement plan litigation on behalf of plaintiffs. Our ERISA Litigation Group has been instrumental in pioneering this cutting-edge field of law in the *IKON*, *Lucent*, and *Enron* ERISA cases, the first large-scale ERISA 401(k) breach of fiduciary duty lawsuits of their kind. We are widely reported as an ERISA "powerhouse."

On behalf of our clients, Keller Rohrback has played a major role in establishing that ERISA's strict fiduciary duties apply to companies' investment of employees' retirement savings in the stock of the employers. Our efforts have resulted in numerous published decisions upholding plaintiffs' ERISA claims, granting class certification, and approving several multi-million dollar settlements. In all, to date, Keller Rohrback has recovered over \$900 million for employees on behalf of their retirement savings plans.

Federal courts throughout the country have recognized Keller Rohrback's qualifications to vigorously pursue ERISA class action claims. Thus, Keller Rohrback has served in a leadership position in almost every major ERISA breach of fiduciary duty case involving 401(k) and ESOP plans, including ERISA litigation against the following corporations:

- *AIG*
- *Bear Stearns Cos. Inc.*
- *Beazer Homes USA*
- *BellSouth*
- *CIGNA*
- *CMS Energy*
- *Colonial BancGroup, Inc.*
- *Countrywide Financial*
- *Delphi*
- *Dynegy*
- *Enron*
- *Fremont General Corp.*
- *Global Crossing*
- *Goodyear Tire & Rubber Co.*
- *HealthSouth*
- *Household Int'l*
- *IndyMac*
- *Krispy Kreme Doughnut*
- *Lucent Technologies*
- *Marsh & McLennan*
- *Merck*
- *Merrill Lynch*
- *Mirant*
- *Pfizer*
- *Polaroid*
- *Providian*
- *Regions Financial Corp.*
- *Southern Company*
- *State Street*
- *Syncor*
- *Visteon*
- *Wachovia Corp.*
- *Washington Mutual, Inc.*
- *Williams Companies*
- *WorldCom*
- *Xerox*

*Founded in 1919, today Keller Rohrback has 60 attorneys and 84 staff members who provide expert legal services to our clients nationwide. We use cutting-edge technology and case management techniques in the preparation and trial of complex cases. Our excellent support staff includes in-house programming personnel and experienced paralegals who contribute significantly to our ability to effectively and efficiently litigate complex class action cases nationwide. The firm's ERISA Litigation Group regularly calls on firm attorneys in other practice areas for expertise in bankruptcy, contracts, employment law, executive compensation, corporate transactions, financial institutions, insurance coverage, mergers and acquisitions, professional malpractice, and securities transactions. The firm's in-house access to these resources distinguishes Keller Rohrback from other class action firms and also contributes to the firm's success.*





## ERISA 401(k) and ESOP Cases

Keller Rohrback is proud to have an unparalleled track record of assisting our clients allege highly technical claims, including the following: (1) failure to prudently and loyally manage the plan and plan assets; (2) failure to provide complete and accurate information regarding company stock to plan participants; and (3) failure to prudently monitor plan fiduciaries. We are honored that courts nationwide have repeatedly praised Keller Rohrback's leadership and successful results in this highly complex and rapidly developing area of law.

"[Keller Rohrback] has performed an important public service in this action and has done so efficiently and with integrity . . . [Keller Rohrback] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions . . . [Keller Rohrback] should be appropriately rewarded as an incentive for the further protection of employees and their pension plans not only in this litigation but in all ERISA actions." *In re WorldCom, Inc. ERISA Litig.*, 59 Fed. R. Serv. 3d 1170, 33 Empl. Benefits Cas. (BNA) 2291 (S.D.N.Y. Oct. 18, 2004).

"The Court finds that [Keller Rohrback] is experienced and qualified counsel who is generally able to conduct the litigation as Lead Counsel on behalf of the putative class. Keller Rohrback has significant experience in ERISA litigation, serving as Co-Lead Counsel in the Enron ERISA litigation, the Lucent ERISA litigation, and the Providian ERISA litigation, and experience in complex class action litigation in other areas of the law. Mr. Sarko's presentation at the August 26, 2002 hearing before the Court evidences Keller Rohrback's ability to adequately represent the class." *In re Williams Cos. ERISA Litig.*, No. 02-153 (N.D. Okla. Oct. 18, 2002) (order appointing Lead Counsel).

"Keller Rohrback presents the most compelling case for appointment as interim lead class counsel based on . . . its extensive experience handling ERISA class actions." *In Re Wachovia Corp. ERISA Litig.*, No. 08-5320, 2008 WL 5480534 (S.D.N.Y. Dec. 24, 2008).



## ***Pioneering ERISA 401(k) and ESOP Cases***

***In re Enron Corp. ERISA Litigation***, MDL No. 1446 (S.D. Tex.). Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of Texas. On September 30, 2003, Judge Melinda Harmon denied defendants' numerous motions to dismiss in a landmark decision that addressed in detail defendants' obligations as ERISA fiduciaries, and upheld plaintiffs' core ERISA claims. Plaintiffs have achieved four partial settlements totaling more than \$264 million in cash to the Enron plans against Enron directors, officers and plan fiduciaries.

***In re Lucent Technologies, Inc. ERISA Litigation***, No. 01-03491 (D.N.J.). Keller Rohrback was appointed Co-Lead Counsel in this class action brought on behalf of participants and beneficiaries of the Lucent defined contribution plans that invested in Lucent stock. The complaint alleged that the defendants withheld and concealed material information from participants, thereby encouraging participants and beneficiaries to continue to make and to maintain substantial investments in company stock and the plans. The settlement provided for, among other relief, the payment of \$69 million in cash and stock to the plan. Judge Joel Pisano approved the settlement on December 12, 2003.

***Whetman v. IKON Office Solutions, Inc.***, MDL No. 10-01318 (E.D. Pa.) The current wave of 401(k) company stock cases began with *Whetman v. IKON Office Solutions, Inc.* In a first-of-its-kind complaint, we alleged that company stock was an imprudent investment for the plan, that the fiduciaries of the plan failed to provide complete and accurate information concerning company stock to the participants, and that they failed to address their conflicts of interest. This case resulted in ground-breaking opinions in the ERISA 401(k) area of law on motions to dismiss, class certification, approval of securities settlements with a carve-out for ERISA claims, and approval of ERISA settlements.

***In re WorldCom, Inc. ERISA Litigation***, No. 02-04816 (S.D.N.Y.). Keller Rohrback served as Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the WorldCom 401(k) Salary Savings Plan. On June 17, 2003, Judge Denise Cote denied in part defendants' motions to dismiss and on October 4, 2004, granted plaintiffs' motion for class certification. Settlements providing for injunctive relief and payments of over \$48 million to the plan were approved on October 26, 2004 and November 21, 2005.

## ***Groundbreaking ERISA 401(k) and ESOP Settlements***

Keller Rohrback's qualifications to lead ERISA 401(k) and ESOP class actions is nowhere more evident than in the highly favorable settlements it has achieved for the



benefit of employees in several of its nationally prominent cases. In addition to the *Enron*, *WorldCom*, *IKON*, and *Lucent* settlements discussed above, these settlements include:

***In re AIG ERISA Litigation***, No. 04-09387 (S.D.N.Y.). On December 12, 2006, the late Judge John E. Sprizzo denied defendants' motion to dismiss. On October 8, 2008, Judge Kevin T. Duffy, for Judge Sprizzo, issued final approval of the \$25 million settlement negotiated by the parties.

***Alvidres v. Countrywide Financial Corp.***, No. 07-05810 (C.D. Cal.). On November 16, 2009, Judge John F. Walter granted final approval of the \$55 million settlement.

***In re Beazer Homes USA, Inc. ERISA Litigation***, No. 07-00952 (N.D. Ga.). On November 15, 2010, Judge Richard W. Story granted final approval of the \$5.5 million settlement.

***In re BellSouth Corporation ERISA Litigation***, No. 02-02440 (N.D. Ga.). On March 4, 2004, Judge J. Owen Forrester denied defendants' motion to dismiss. On December 5, 2006, Judge Forrester approved a settlement that provided structural relief for the plans valued at up to \$90 million, plus attorneys fees and costs.

***Buus, et al. v. WaMu Pension Plan, et al.***, No. 07-00903 (W.D. Wash.). The parties to the litigation negotiated and executed a settlement agreement on June 29, 2010. On October 29, 2010, the Court held a fairness hearing and approved the settlement of \$20 million as fair, reasonable and adequate, approved the notice and publication notice and method of dissemination of such notices, approved the application for attorneys' fees and expenses, and approved the proposed plan of allocation and the case contribution awards for the Named Plaintiffs.

***In re CMS Energy ERISA Litigation***, No. 02-72834 (E.D. Mich.). On March 31, 2004, Judge George Caram Steeh denied defendants' motions to dismiss. On December 27, 2004, Judge Steeh granted plaintiffs' motion for class certification and subsequently approved the \$28 million settlement negotiated by the parties.

***Cokenour v. Household International, Inc.***, No. 02-07921 (N.D. Ill.). On March 31, 2004, Judge Samuel Der-Yeghiayan denied, in part, defendants' motions to dismiss. The case subsequently settled for \$46.5 million in cash to the plan. The court approved the settlement on November 22, 2004.

***In re Dynegy, Inc. ERISA Litigation***, No. 02-03076 (S.D. Tex.). On March 5, 2004, the court denied, in part, defendants' motions to dismiss. Subsequently, the parties reached a settlement that provided for the payment of \$30.75 million in cash to the plan. On December 10, 2004, Judge Sim Lake approved the settlement.



***In re Global Crossing Ltd. ERISA Litigation***, No. 02-07453 (S.D.N.Y.). The *Global Crossing ERISA Litigation* settlement provided for, among other relief, the payment of \$79 million to the plan. Judge Gerard Lynch approved the settlement on November 10, 2004.

***In re The Goodyear Tire & Rubber Company ERISA Litigation***, No. 03-02180 (N.D. Ohio). On July 6, 2006, Judge John R. Adams denied defendants' motions to dismiss. On October 22, 2008, the Court issued final approval of the \$8.375 million settlement.

***In re HealthSouth Corp. ERISA Litigation***, No. 03-01700 (N.D. Ala.). On June 28, 2006, Judge Karon Bowdre approved a settlement in the amount of \$28.875 million, with a possible additional \$1 million from any HealthSouth recovery in the derivative action.

***In re IndyMac ERISA Litigation***, No. 08-04579 (C.D.Cal.). On January 19, 2011, Judge Dean Pregerson granted final approval of the \$7 million settlement.

***Lilly, et al. v. Oneida Ltd. Employee Benefits Admin. Committee, et al.***, No. 07-00340 (N.D.N.Y.). On May 8, 2008, Judge Neal P. McCurn issued an order in which he denied defendants' motion to dismiss. On October 4, 2010, the Court granted approval of a \$1.85 million settlement and entered an Order and Final Judgment.

***In re Marsh ERISA Litigation***, No. 04-8157, (S.D.N.Y.). On December 14, 2006, the Honorable Shirley Wohl Kram issued an order in which she granted in part and denied in part the Defendants' Motions to Dismiss. The parties subsequently reached a settlement in the amount of \$35 million, which was approved by the Court on January 29, 2010.

***In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation***, No. 07-10268 (S.D.N.Y.). On August 21, 2009, Judge Jed S. Rakoff granted final approval of the \$75 million settlement in the ERISA action.

***In re Mirant Corporation ERISA Litigation***, No. 03-01027 (N.D. Ga.). On November 16, 2006, the Court approved the settlement, including a payment of \$9.7 million in cash to the plan for losses suffered by the certified settlement class.

***In re Polaroid ERISA Litigation***, No. 03-08335 (S.D.N.Y.). On March 31, 2005, Judge William H. Pauley III granted in part and denied in part defendants' motion to dismiss. On September 29, 2006, Judge Pauley granted plaintiffs' motion for class certification. The parties subsequently reached a settlement in the amount of \$15 million, which was approved by the Court on June 25, 2007.



***In re Providian Financial Corp. ERISA Litigation***, No. 01-05027 (N.D. Cal.). The *Providian ERISA Litigation* settlement provided for structural changes to the plan, as well as the payment of \$8.6 million in cash to the plan. The Court approved the settlement on June 30, 2003.

***Smith v. Krispy Kreme Doughnut Corporation***, No. 05-06187 (M.D.N.C.). The *Krispy Kreme ERISA Litigation* settlement provided for structural changes to the plan, as well as the payment of \$4.75 million in cash. On January 10, 2007, Judge William L. Osteen approved the settlement.

***Spivey v. Southern Co., et al.***, No. 04-01912 (N.D. Ga.). On August 14, 2007, the Court granted final approval of the settlement, including a payment of \$15 million in cash to the plan for losses suffered by the certified settlement class.

***In re State Street Bank and Trust Co. ERISA Litigation***, No. 07-08488 (S.D.N.Y.). On February 19, 2010, Judge Richard J. Holwell granted final approval of the \$89.75 million settlement in the ERISA action.

***In re Syncor ERISA Litigation***, No. 03-02446 (C.D. Cal.). On August 23, 2004, Judge Baird denied, in part, defendants' motions to dismiss. Judge Baird subsequently granted plaintiffs' motion for class certification on March 28, 2005. The case settled, but was dismissed on summary judgment before the settlement could be approved. On February 19, 2008, the Ninth Circuit Court of Appeals reversed the district court's decision and remanded the case for further proceedings consistent with the Court's order. On October 22, 2008, Judge R. Gary Klausner granted final approval of the settlement, including a payment of \$4 million in cash to the plan for losses suffered by the certified class.

***In re Visteon Corporation ERISA Litigation***, No. 05-71205 (E.D. Mich.). On March 9, 2007, Judge Avern Cohn approved a settlement in the amount of \$7.6 million.

***In re Washington Mutual, Inc. ERISA Litigation***, No. 07-01874 (W.D. Wash.). On January 7, 2011, the Honorable Marsha J. Pechman granted final approval of the \$49 million settlement in the ERISA action.

***In re Williams Companies ERISA Litigation***, No. 02-00153 (N.D. Okla.). On November 16, 2005, the Court approved the settlement for \$55 million in cash, plus equitable relief in the form of a covenant that Williams will not take any action to amend the plan to (i) reduce the employer match thereunder below four percent prior to January 1, 2011, or (ii) require that the employer match be restricted in company stock prior to January 1, 2011.



***In re Xerox Corporation ERISA Litigation***, No. 02-01138 (D. Conn.). Since 2007, Judge Alvin Thompson has issued two opinions denying in significant part defendants' motions to dismiss. On April 14, 2009, Judge Thompson approved the \$51 million settlement negotiated by the parties.

## ***Pending ERISA Cases***

In addition to the cases listed above, Keller Rohrback has been appointed to a leadership position in numerous other ongoing ERISA 401(k) and ESOP class actions. Through these cases, Keller Rohrback has again and again demonstrated its expertise in ERISA law, and its ability to vigorously, creatively, and successfully pursue employees' rights under ERISA. Keller Rohrback's leading role in the development of this law is unique and distinguishes the firm from any other in the country. Notable pending cases include:

***In re American International Group, Inc. ERISA Litigation II***, No. 08-05722 (S.D.N.Y.). On March 19, 2009, Keller Rohrback was appointed Interim Co-Lead Counsel to represent the proposed class of participants and beneficiaries of the AIG Incentive Savings Plan. On March 31, 2011, Judge Laura Taylor Swain denied in large part Defendants' Motion to Dismiss.

***In re Bear Stearns Cos., Inc. ERISA Litigation***, No. 08-02804 (S.D.N.Y.). On December 29, 2008, Keller Rohrback was appointed Interim Co-Lead Counsel to represent the proposed class of participants and beneficiaries of The Bear Stearns Cos. Inc. Employee Stock Ownership Plan. On April 20, 2009, Co-Lead Counsel filed an amended consolidated complaint. On January 9, 2011, the Court granted Defendants' motion to dismiss. Plaintiffs have filed an appeal as well as a motion to alter or amend the judgment and for leave to amend the complaint.

***In re Colonial BancGroup, Inc. ERISA Litigation***, No. 09-00792 (M.D. Ala.). On November 24, 2009, Judge Myron H. Thompson consolidated the related ERISA actions and appointed Keller Rohrback Interim Co-Lead Counsel. On January 11, 2010, plaintiffs filed an amended consolidated complaint.

***In re Fremont General Corporation Litigation***, No. 07-02693 (C.D. Cal.). On August 17, 2007, Judge Florence-Marie Cooper appointed Keller Rohrback sole Interim Lead Counsel, and on May 29, 2008, Judge Cooper denied defendants' motion to dismiss. The parties reached an agreement to settle the litigation for \$21 million. On April 26, 2011, the Honorable Jacqueline Nguyen granted preliminary approval of the Stipulation and Agreement of Settlement.

***In re Merck & Co., Inc. "ERISA" Litigation***, MDL No. 1658 (D.N.J.). On July 11, 2006, Judge Stanley R. Chesler granted in part and denied in part defendants' motions



to dismiss. On February 9, 2009, Judge Chesler granted in part and denied in part plaintiffs' motion for class certification. Judge Chelser certified a class consisting of:

[E]very person, other than Defendants, who was a participant in, or beneficiary of, the Merck & Co., Inc. Employee Savings & Security Plan, the Merck & Co., Inc. Employee Stock Purchase & Savings Plan, the Merck Puerto Rico Employee Savings & Security Plan and the Merck-Medco Managed Care, LLC 401(k) Savings Plan (collectively, the "Plans") at any time between October 1, 1998 and September 30, 2004; and whose Plan accounts invested in the Merck Common Stock Fund and/or Merck common stock; and who sustained a loss to his or her Plan account as a result of the investment in the Merck Common Stock Fund and/or Merck common stock; and who has not executed a settlement agreement releasing these claims.

***In re Pfizer ERISA Litigation***, MDL No. 1688 (S.D.N.Y.). On October 21, 2005, the Court appointed Keller Rohrback as sole Interim Lead Counsel. A consolidated class action complaint was filed on June 5, 2006. On March 20, 2009, the Honorable Laura T. Swain issued an order in which she denied in large part defendants' motion to dismiss.

***In re Regions Morgan Keegan ERISA Litigation***, No. 08-2192 (W.D. Tenn.). On October 8, 2008, Judge Samuel H. Mays appointed Keller Rohrback as Interim Co-Lead Counsel to represent the proposed class of participants and beneficiaries of the Regions Financial Corp. 401(k) Plan, the AmSouth Bancorp Thrift Plan, and the Legacy Regions Plan. Co-Lead Counsel filed a consolidated amended complaint on February 24, 2009, opposed defendants' motions to dismiss on June 11, 2009, and moved for leave to file a supplemental complaint on July 29, 2009. Defendants' motions to dismiss and plaintiffs' motion for leave to file a supplemental complaint are currently pending.

***In re Wachovia Corp. ERISA Litigation***, No. 09-00262 (W.D.N.C.). On December 24, 2008, Keller Rohrback was appointed Interim Lead Counsel, and on September 18, 2009, plaintiffs filed their consolidated complaint. The parties reached an agreement to settle the litigation for \$12.35 million. On March 2, 2011, the Honorable Martin Reidinger granted preliminary approval of the Class Action Settlement Agreement.

## **Representative Securities Fraud Cases**

In addition to its work in the ERISA arena, Keller Rohrback also has served as Lead or Co-Lead Counsel in a number of securities fraud class action cases where it has represented purchasers of securities.



***In re TheMart.com, Inc. Securities Litigation***, No. 99-01127 (C.D. Cal.). Keller Rohrback served as Co-Lead Counsel in this securities fraud class action filed in the Central District of California, Southern Division. The class achieved settlements totaling \$2.7 million.

***In re Anicom, Inc. Securities Litigation***, No. 00-04391 (N.D. Illinois). Keller Rohrback was one of three counsel representing the State of Wisconsin Investment Board in this securities fraud class action. Counsel achieved settlements on behalf of the class and other parties in excess of \$39 million, including a payment of \$12.4 million directly from one of the named defendants, described as “one of the largest payments obtained in connection with allegations of securities and accounting fraud in recent times.” In all, over 80% of the total recovery was obtained from sources other than Anicom’s insurance policy.

***In re Apple, Inc. Derivative Litigation***, No. 06-04128 (N.D. Cal.). Keller Rohrback served on the Plaintiffs’ Management Committee in the federal derivative shareholder action against nominal defendant Apple Computer, Inc. and current and former officers and members of Apple’s Board of Directors. Plaintiffs alleged, among other things, breach of fiduciary duty, unjust enrichment, and gross mismanagement arising from the practice of backdating stock options granted between 1993 and 2001, which practice diverted millions of dollars of corporate assets to Apple executives. Counsel achieved a settlement that awarded \$14 million to Apple—one of the largest cash recoveries in a stock backdating case—and requires Apple to adopt a series of unique and industry-leading corporate enhancements.

***In re Foundry Networks, Inc. Derivative Litigation***, No. 06-05598 (N.D. Cal.). Keller Rohrback was appointed Co-Lead Counsel in this federal derivative shareholder action against nominal defendant Foundry Networks, Inc., and current and former officers and members of Foundry’s Board of Directors. Plaintiffs allege, among other things, breach of fiduciary duty, unjust enrichment, and gross mismanagement arising from the practice of backdating stock options granted between 2000 and 2003, diverting millions of dollars of corporate assets to Foundry executives. On February 20, 2009, the Court entered an order approving settlement.

***Getty, et al. v. Harmon, et al.***, No. 98-00178 (W.D. Wash.). Keller Rohrback served as Lead Counsel in this securities fraud action filed in Western Washington federal court involving a “Ponzi” scheme. Plaintiffs allege that at least one key person responsible for this scheme was affiliated with SunAmerica Securities, which knew or should have known that securities laws were being violated. The class achieved settlements totaling \$7 million.



***In re IKON Office Solutions, Inc. Securities Litigation***, MDL No. 10-01318 (E.D. Pa.). Keller Rohrback served as Co-Lead Counsel representing the City of Philadelphia and eight other lead plaintiffs in this certified class action alleging securities fraud. Class Counsel achieved the highest securities fraud settlement in the history of the Court by settling with defendant IKON Office Solutions, Inc. for \$111 million. At that time, the settlement was listed as one of the “largest settlements in class-action securities-fraud lawsuits since Congress reformed securities litigation in 1995” by *USA Today*.

***Lasky v. Brown, et al.***, No. 99-01035 (M.D. Fla.). Keller Rohrback served as Co-Lead Counsel in this class action lawsuit filed in the Middle District of Louisiana, on behalf of individual shareholders who purchased or otherwise acquired equity securities in United Companies Financial Corporation between April 30, 1998 and February 2, 1999, inclusive. The class recovered \$20.5 million in settlements.

***In re Scientific-Atlanta, Inc. Securities Litigation***, No. 01-01950 (N.D. Ga.). Keller Rohrback serves as Co-Lead Counsel in this case, in which plaintiffs allege that defendants engaged in a course of fraudulent conduct by misrepresenting and omitting material information pertaining to Scientific-Atlanta’s financial results and by engaging in extensive channel stuffing in order to enable the company to meet its stated earnings expectations.

***In re WorldPort Comm., Inc., et al.***, No. 99-01817 (N.D. Ga.). This shareholder class action was brought in Georgia federal court alleging securities fraud. Parties in this case reached a \$5.1 million settlement.

## **Other Representative Cases**

***In re Carpet Antitrust Litigation***, No. 95-00193 (N.D. Ga.). This case was filed in the Northern District of Georgia and resulted in a \$50 million settlement. United States District Judge Harold L. Murphy stated that the attorneys’ “efforts in this case to date have demonstrated their great skill and ability” and that “the Court’s own observations of Plaintiffs’ counsel support a determination that Plaintiffs’ counsel are highly reputable and responsible attorneys.”

***In re Commercial Tissue Products Antitrust Litigation***, MDL No. 97-01189 (N.D. Fla.). This antitrust case involved allegations of a nationwide price-fixing conspiracy among the major manufacturers of facial tissue, toilet paper, paper towels, and related paper products used in “away from home” settings, such as office buildings, hotels, restaurants, and schools. Parties entered into a settlement agreement valued at \$56.2 million in cash and coupons.



***Cox, et al. v. Microsoft Corp., et al.***, MDL No. 00-01332 (D. Md.). Keller Rohrback served on the Executive Committee of Plaintiffs' Counsel in this class action challenging Microsoft's monopolistic practices. A class of direct purchasers of operating system software achieved a settlement of \$10.5 million in the United States District Court for the District of Maryland.

***In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation***, MDL No. 10-01203 (E.D. Pa.). These cases involved numerous plaintiffs in Washington and other states who were seeking medical monitoring and/or personal injury compensation in relation to their ingestion of the prescription diet drugs Pondimin and Phentermine (i.e. Fen-Phen) or Redux. Keller Rohrback served as class counsel for a certified medical monitoring class of Washington patients who ingested these diet drugs. In addition, the federal court judge in Philadelphia who supervised the national settlement and litigation appointed Lynn Lincoln Sarko, Keller Rohrback's managing partner, to serve as a member of the MDL 1203 Plaintiffs' State Liaison Counsel Committee. Keller Rohrback has represented numerous plaintiffs in pursuing individual personal injury claims through the American Home Products' Nationwide Class Action Diet Drug Settlement or through individual lawsuits brought in state or federal courts.

***Erickson v. Bartell Drug Co.***, No. 00-1213 (W.D. Wash.). Keller Rohrback was proud to represent the plaintiff class in the landmark opinion issued in this case. Judge Robert Lasnik held that when an otherwise extensive health plan covers almost all drugs and devices used by men, the exclusion of prescription contraceptives creates a "gaping hole in the coverage offered to female employees, leaving a fundamental and immediate healthcare need uncovered. . . . Title VII requires employers to recognize the differences between the sexes and provide equally comprehensive coverage, even if that means providing additional benefits to cover women-only expenses." *Erickson v. Bartell Drug Co.*, 141 F.Supp.2d 1266, 1277 (W.D. Wash. 2001). This monumental decision has paved the way for implementation of non-discriminatory prescription coverage in employee benefit plans nationwide.

***In re the Exxon Valdez***, No. 89-00095 (D. Alaska). Keller Rohrback represented fishermen, Alaska natives, municipalities, and other injured plaintiffs in this mass tort lawsuit arising out of the March 24, 1989, oil spill in Prince William Sound, Alaska. After a three-month jury trial, plaintiffs obtained a judgment of \$5 billion in punitive damages—at the time the largest punitive damages verdict in U.S. history. Keller Rohrback played a leadership role during discovery and at trial, and was chosen to serve as administrator of both the Alyeska and Exxon Qualified Settlement Funds. The amount of punitive damages was subsequently reduced by the United States Supreme Court to \$507.5 million, upon which interest was added. Keller Rohrback is currently distributing the punitive damages and interest via the Exxon Qualified Settlement Fund.



***Ferko, et al. v. NASCAR***, No. 02-00050 (E.D. Tex.). Keller Rohrback was counsel for plaintiff in a lawsuit that charged NASCAR with breach of contract, unlawful monopolization, and of conspiring with International Speedway Corporation ("ISC") to restrain trade in violation of the antitrust laws. Keller Rohrback represented the shareholders of Speedway Motorsports, Inc. ("SMI"), a publicly traded company that owns six motorsports facilities, including Texas Motor Speedway ("TMS"). In May 2004, the parties reached a settlement agreement, pursuant to which, among other things, ISC sold North Carolina Speedway to SMI for \$100.4 million and NASCAR sanctioned the Nextel Cup Series race previously hosted by Rockingham at TMS in the 2005 season. The settlement was approved by the United States District Court for the Eastern District of Texas.

***Lawrence, et al. v. Phillip Morris Co., et al.***, No. 94-01494 (E.D.N.Y.). This shareholder class action was brought in New York federal court alleging misrepresentations regarding various inventory and trade loading practices used to distort the timing of sales. This case was settled as part of a \$115 million settlement.

***In re Linerboard Antitrust Litigation***, MDL No. 1261 (E.D. Pa.). The class actions in this litigation were resolved with the recovery of more than \$202 million for the benefit of a class of businesses that purchased corrugated boxes and sheets.

***In re Monosodium Glutamate Antitrust Litigation***, MDL No. 00-01328 (D. Minn.). Keller Rohrback represented the plaintiff class in this case in the United States District Court for the District of Minnesota. About \$124 million was recovered for the benefit of a class of businesses which purchased food flavor enhancers from suppliers in the U.S., Japan, Korea, and Taiwan. Businesses that participated in the recovery received nearly 200% of the amounts they were overcharged.

***Rosted, et al. v. First USA Bank***, No. 97-01482 (W.D. Wash.). This class action was filed on behalf of owners of credit cards issued by First USA Bank who signed up for "introductory rate" credit cards that were subject to false and deceptive "repricing." A settlement in this class action resulted in an automatic depricing benefit of over \$50 million, plus over \$36 million in benefits from other settlement-related offers.

***Salloway v. Malt-O-Meal Co.***, No. 27-98-008931 (Minn. Dist. Ct. 4th Cir.). This nationwide product liability class action arose out of a salmonella outbreak in the Malt-O-Meal plant in Northfield, Minnesota. It was brought on behalf of all people who became ill after eating cereal manufactured by Malt-O-Meal (under names such as "Toasty-Os"). A class settlement was granted final approval in this case filed in Hennepin County Court of Minnesota.



*In re Vitamin Antitrust Litigation*, MDL No. 1285 (D. D.C.). Keller Rohrbach played an extensive role in trial preparation in this case, one of the largest and most successful antitrust cases in history. Chief Judge Thomas Hogan of the United States District Court for the District of Columbia certified two classes of businesses who directly purchased bulk vitamins and were overcharged as a result of a ten year global price-fixing and market allocation conspiracy. Through settlement and verdict, recoveries were achieved, including four major settlements between certain vitamin defendants and class plaintiffs. One landmark partial settlement totaled \$1.1 billion.



### *Lynn Lincoln Sarko*

Lynn Lincoln Sarko has been the managing partner of Keller Rohrback since 1991, where he leads the firm's nationally recognized Complex Litigation Group. An accomplished trial lawyer, he regularly serves as lead counsel in multi-party and class action lawsuits involving ERISA, employee benefits, antitrust, and securities fraud claims. Mr. Sarko first came to Seattle for a federal clerkship and returned after serving as an Assistant U.S. Attorney for the District of Columbia. He has been appointed lead or co-lead counsel in some of the most important ERISA company stock cases, including *Enron*, *WorldCom*, and *Global Crossing*. Additionally, Mr. Sarko serves or has served as lead or co-lead counsel in numerous other ERISA 401(k) plan, ESOP, and cash balance cases, such as *American International Group, Inc.*, *Countrywide Financial Corp.*, *Dell Inc.*, *Delphi Corp.*, *Ford Motor Co.*, *Fremont General Corp.*, *Goodyear Tire & Rubber Co.*, *ING*, *JPMorgan Chase & Co.*, *Marsh & McLennan Cos., Inc.*, *Merck & Co., Inc.*, *Merrill Lynch & Co., Inc.*, *Pfizer, Inc.*, *Southern Co.*, *State Street Bank & Trust Co.*, *Wal-Mart Stores, Inc.*, *Xerox Corp.*, *BellSouth*, *Dynegy, Inc.*, *HealthSouth*, *Household International*, *Lucent Technologies, Inc.*, *Mirant Corp.*, *Polaroid*, *Williams Cos., Inc.*, and *Visteon*.



Mr. Sarko's ERISA practice focuses on prosecuting matters raising sophisticated ESOP and 401(k) plan issues, including ERISA preemption, fiduciary breaches, imprudent investment of plan assets, blackout period and mapping violations, plan asset diversification, prohibited transactions, directed trustee duties, and ERISA § 404 (c) defenses. He regularly appears in federal courts across the country, maintaining an active national ERISA litigation practice.

In addition to his ERISA work, Mr. Sarko has prosecuted a variety of class action lawsuits involving high profile matters including the Exxon Valdez oil spill, Microsoft civil antitrust case, and Fen-Phen/Redux diet drug litigation, as well as notable civil rights cases such as *Erickson v. Bartell Drug Co.*, establishing a woman's right to prescription contraceptive health coverage. Additionally, Mr. Sarko has litigated numerous complex cases involving financial and accounting fraud, which have included some of the nation's largest accounting and investment firms.

Mr. Sarko received his undergraduate, business, and law degrees from the University of Wisconsin, where he served as the editor-in-chief of the law review and was selected by the faculty as the outstanding graduate of his law school class. Mr. Sarko is a featured speaker at many continuing education seminars and conferences nationwide.

*All other bios listed alphabetically*



### *Laurie Ashton*

Laurie Ashton is a member of Keller Rohrback P.L.C., based in Phoenix, Arizona. Her practice emphasizes bankruptcy, commercial, ERISA, and environmental litigation. Ms. Ashton has been very active in the Arizona State Bar, having served on the Ethics Committee for six years, and frequently lectures on bankruptcy issues and other matters. Additionally, Ms. Ashton has taught semester courses in Advanced Chapter 11 Bankruptcy and Lawyering Theory and Practice at the ASU College of Law, and for several years running, has been a guest lecturer on Chapter 11 at Harvard Law School. She is the co-author of *Arizona Legal Forms: Limited Liability Companies and Partnerships*, 1996-2002. Following law school Ms. Ashton served as law clerk for the Honorable Charles G. Case, U.S. Bankruptcy Court, for the District of Arizona for two years. Ms. Ashton graduated from Arizona State University College of Law, where she has twice returned as an Adjunct Professor to teach semester courses in Lawyering Theory and Practice and Advanced Chapter 11. Ms. Ashton is admitted to practice in Arizona and Colorado.



### *James A. Bloom*

James Bloom is based in Keller Rohrback's Phoenix office. He practices in the firm's nationally recognized complex litigation group, focusing on ERISA litigation, and has worked on many landmark ERISA cases including *In re State Street Bank & Trust Co. ERISA Litigation* and *Johnson v. Couturier*. James graduated *cum laude* from Washington University in St. Louis School of Law in 2008, where he was an executive editor of the Washington University Law Review. He earned a B.A. in History and Philosophy from Tulane University. James also worked in the Civil Justice Clinic at Washington University, helping under-served individuals obtain needed legal services.





### *Gretchen Freeman Cappio*

As a member of Keller Rohrback's Complex Litigation Group, Gretchen Cappio enjoys a diverse practice in the areas of consumer protection, ERISA, mutual funds, and employment litigation. She represents plaintiffs in several cutting-edge complex cases, including *In re Mattel, Inc.*, 588 F. Supp. 2d 1111 (C.D. Cal. 2008) (allowing the majority of consumers' claims related to lead-contaminated and hazardous magnetic toys to proceed), and *Braden v. Wal-Mart Stores, Inc.*, 588 F.3d 585 (8th Cir. 2009) (upholding plaintiff's claims alleging that excessive fees associated with the Plan's ten mutual funds resulted in losses of tens of millions of dollars in retirement savings, and that these funds—all retail off-the-shelf funds rather than lower-fee institutional class funds, most of which charged 12b-1 fees, and all of which paid revenue sharing to the Plan's trustee—were selected as a result of a flawed process). Ms. Cappio serves on the Plaintiffs' Steering Committee in *In re: Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation*, MDL No. 1967 (W.D. Mo.), consumer litigation in which plaintiffs assert claims for breach of the implied warranty of merchantability, fraudulent and negligent omissions of material fact, and unjust enrichment against certain plastic bottle manufacturers. Ms. Cappio also represented plaintiffs in *Erickson v. Bartell Drug Co.*, 141 F. Supp. 2d 1266 (W.D. Wash. 2001), in which the Honorable Robert S. Lasnik ruled that an employer violated Title VII of the Civil Rights Act when its coverage failed to cover prescription contraceptives on an equal basis as to other prescription drugs.



Ms. Cappio graduated from the University of Washington School of Law where she served as the Executive Comments Editor of *The Pacific Rim Law & Policy Journal*. She earned her B.A. degree *magna cum laude* from Dartmouth College, where she graduated Phi Beta Kappa and with honors. Ms. Cappio has been named a "Rising Star" three times by *Washington Law and Politics* in its annual review of the state's legal professionals.



### *T. David Copley*

David Copley enjoys the art of advocacy. His career has encompassed product liability defense work, civil rights litigation, real property disputes, employment law litigation and counseling, mass torts, antitrust, breach of fiduciary duty and ERISA, consumer protection, the preparation and trial of several class action cases, and numerous appeals including, most recently, *In re Syncor ERISA Litigation*. Mr. Copley graduated from Northwestern University School of Law, where he served as an editor of the *Law Review*. He earned his B.A. at the University of Iowa, with Distinction and Honors in Political Science and English. In 1985, Mr. Copley was honored as Trial Lawyer of the Year for his work on behalf of injured fishermen and other class members in *In re the Exxon Valdez* oil spill litigation. He is admitted to practice in the states of Washington and Arizona, in the United States District Courts of Western Washington, Eastern Washington, Arizona, the Northern District of California, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court.



### *Juli E. Farris*

Juli Farris focuses on securities fraud, breach of fiduciary duty, and antitrust litigation in state and federal courts. She has made significant contributions in cases such as *In re Catfish Antitrust Litigation*; *In re IKON Office Solutions, Inc. Securities Litigation*; *In re Anicom, Inc. Securities Litigation*; *Lasky v. Brown, et al. (United Companies securities litigation)*; and *In re Worldcom, Inc. ERISA Litigation*, and most recently, stock option backdating cases against companies such as Apple Computer Inc., Zoran Corporation, and others. Prior to joining Keller Rohrback in 1991, Ms. Farris clerked for Judge E. Grady Jolly of the Fifth Circuit of the United States Court of Appeals and practiced law at the Washington, D.C. office of Sidley & Austin (now Sidley, Austin, Brown & Wood). She earned her B.A. in English and J.D. from Stanford University, where she was a Note Editor of the *Stanford Law Review*. Ms. Farris is admitted to practice in the state and federal courts in Washington, California, and the District of Columbia.





### *Raymond J. Farrow*

Ray Farrow's practice focuses on complex litigation with an emphasis on antitrust and consumer protection. Mr. Farrow has played a leading role litigating antitrust claims of anticompetitive conduct involving Microsoft, Thermus Aquaticus DNA Polymerase ("Taq"), NASCAR, Vitamins, Intel microprocessors, carbon black, and nurse compensation in various cities across the country. Mr. Farrow has also litigated claims for improperly withheld overtime in the package delivery and banking industries and state security claims arising from an alleged Ponzi scheme. Mr. Farrow graduated with high honors from the University of Washington School of Law, where he was articles editor of the *Washington Law Review*. Prior to law school, he was a member of the Economics faculty at Seattle University, the University of Washington, and Queen's University in Ontario, Canada. Mr. Farrow holds graduate degrees in economics from the University of Essex (U.K.) and Princeton University and has served for a number of years on the Executive Committee of the Consumer Protection, Antitrust & Unfair Business Practices Section of the Washington State Bar Association. Mr. Farrow is licensed to practice in Washington State.



### *Eric J. Fierro*

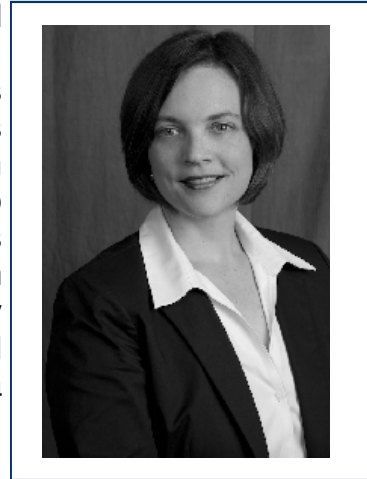
Eric Fierro is based in Keller Rohrback's Phoenix office and practices in the firm's nationally recognized complex litigation group. He has broad experience in electronic discovery and litigation support matters. While attending law school in the evening, Mr. Fierro worked full-time for the U.S. Attorney's Office for the District of Massachusetts. There he provided technical support for all criminal and civil units. In particular, Mr. Fierro supported the electronic discovery and trial consulting needs for the healthcare fraud, securities fraud, and other white collar crime units. He also worked as a part-time summer law clerk for the computer crime and intellectual property unit at the U.S. Attorney's office. Before joining Keller Rohrback, Mr. Fierro was a managing consultant with Huron Consulting Group, providing consultative services for complex electronic discovery and document review matters.





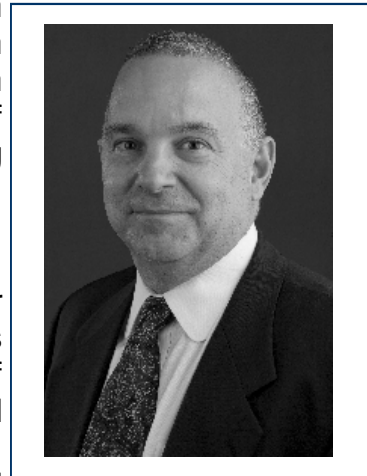
### *Laura R. Gerber*

Laura R. Gerber joined Keller Rohrback in 2005 and practices in the firm's nationally recognized complex litigation group where she handles a variety of cases in federal courts across the United States. Laura's practice focuses on class actions and derivative cases, and ranges from ERISA breach of fiduciary duty cases to mutual fund excessive fee cases to consumer class actions concerning the safety of children's products. Laura graduated from the University of Washington School of Law in 2003. While in law school, she concurrently received an M.P.A. degree from the Daniel J. Evans School of Public Affairs at the University of Washington and was a member of the Moot Court Honor Board.



### *Gary Gotto*

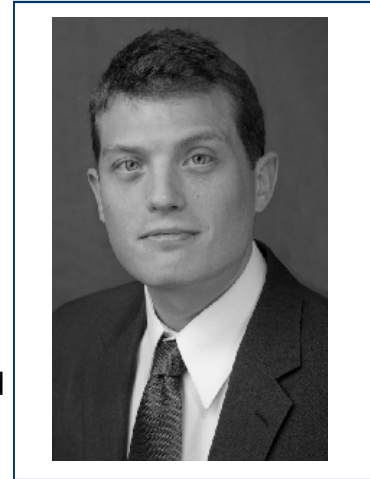
Gary Gotto is a member of Keller Rohrback P.L.C., based in Phoenix, Arizona. Since joining the firm's Complex Litigation Group in 2002, Mr. Gotto has held leadership positions in many matters of national prominence involving claims of financial misconduct and fiduciary imprudence, including class action litigation involving Enron, Xerox Corp., Merrill Lynch, Delphi, CMS Energy Corp., Dynegy, Global Crossing, WorldCom, IKON Office Solutions, State Street Bank & Trust, and Principal Financial Group. The aggregate recoveries for our clients in these matters exceeds \$650 million. He has currently involved in several matters involving claims of negligence or fraud involving mortgage-backed securities and other financial products. In his nearly thirty year career, Mr. Gotto has had extensive experience in securities and financial matters, both from a compliance and litigation perspective. Mr. Gotto also has substantial experience with complex Chapter 11 bankruptcy matters, which has proven invaluable in cases in which defendants are also debtors in bankruptcy. He chaired the Arizona State Bar Subcommittee on Revising the Limited Partnership Act and co-authored *Arizona Legal Forms: Limited Liability Companies and Partnerships*. Mr. Gotto speaks and teaches regularly on a number of topics, including an annual real estate bankruptcy case study presented at Harvard Law School. He earned his J.D. from Arizona State University *summa cum laude*, where he was a member of the Order of the Coif and the Special Projects Editor of the *Arizona State Law Journal*. Mr. Gotto received his B.A. from the University of Pennsylvania *cum laude*. He has been admitted to practice in the state of Arizona since 1982.





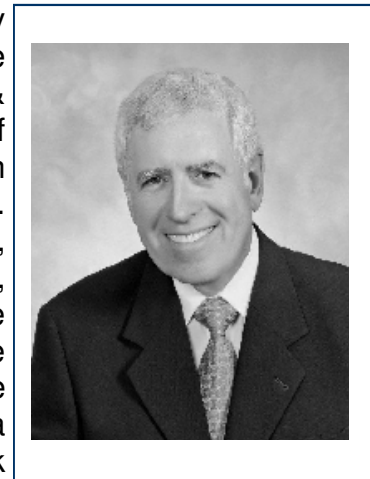
*Benjamin Gould*

Benjamin Gould practices in Keller Rohrback's nationally recognized complex litigation group, where he has helped to litigate ERISA fiduciary breach, cash balance pension plan, and excessive fee cases, as well as consumer protection cases. He is a graduate of Yale Law School, where he was an editor of the *Yale Law Journal*. Prior to joining Keller Rohrback, he worked as a Legal Fellow of the ACLU Drug Law Reform Project, litigating cases related to drug policy and civil rights. He has also served as a clerk to the Hon. Diana E. Murphy of the United States Court of Appeals for the Eighth Circuit and the Hon. Betty B. Fletcher of the United States Court of Appeals for the Ninth Circuit. Additionally, Mr. Gould received a 2010 Burton Award for Legal Achievement for the article, "The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty," which was published in *Pension & Benefits Daily* on August 31, 2009.



*Gary D. Greenwald*

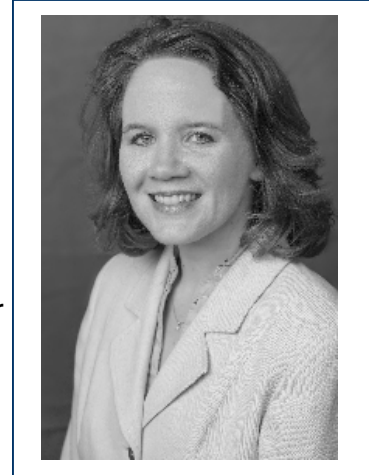
Before joining Keller Rohrback's Phoenix office in 2006, Gary Greenwald practiced in Columbus, Ohio, where he was the senior litigation partner for the firms of Schottenstein, Zox, & Dunn and Shayne & Greenwald. He has a broad range of experience as a commercial litigator, having tried more than 200 cases in the federal and state courts across the U.S. Mr. Greenwald's trial experience includes securities litigation, ERISA breach of fiduciary duty claims, trademark litigation, trade secrecy claims, professional malpractice, and a wide range of contract and real estate disputes. He spent five years as an Adjunct Professor of Trial Law Practice at the Ohio State University College of Law and has been a frequent speaker on the subject of Employee Stock Ownership Plans. Mr. Greenwald received his B.A. from Miami University and his J.D. from Ohio State University College of Law.





*Amy N. L. Hanson*

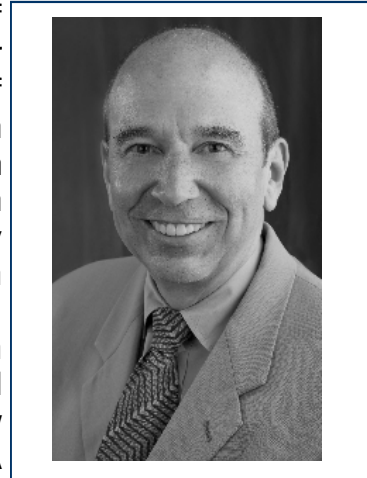
Amy N. L. Hanson's practice is focused on class action and other complex litigation, including dangerous drugs, ERISA breach of fiduciary duty, and antitrust cases. Her practice is national in scope and includes representation of clients in both state and federal trial courts and on appeal. In this capacity, she has successfully represented numerous patients who suffered heart valve injuries in dangerous drug cases against Wyeth, which were resolved either in conjunction with a \$4.75 billion nationwide class settlement or through resolutions outside of that nationwide class settlement relating to the prescription drugs Pondimin and/or Redux. Additionally, she is currently representing numerous patients who suffered heart attacks or strokes in dangerous drug cases against Merck & Co., Inc. who are now participating in the \$4.85 billion national settlement relating to the prescription drug Vioxx, in *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.), where she also serves on the Consumer Claims Committee of the Plaintiffs' Steering Committee. She is also representing numerous employees who have lost hard-earned retirement savings in *In re Pfizer ERISA Litigation*, MDL 1688 (S.D.N.Y), in which Keller Rohrback L.L.P. serves as sole lead counsel for the plaintiffs. She earned her B.A. degree *summa cum laude* in Economics and Political Science from the University of Minnesota. She is licensed to practice in Washington and Wisconsin and in the United States District Courts of Western Washington, Eastern Washington, Eastern Michigan, and the Court of Appeals for the Ninth Circuit.





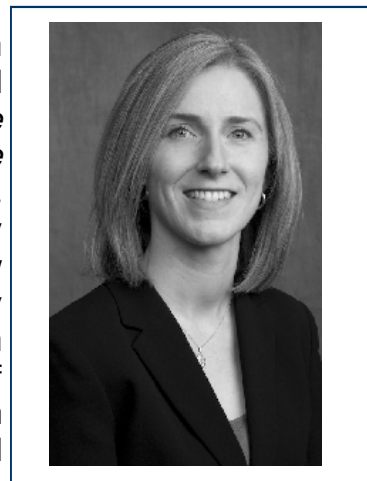
### *Ron Kilgard*

Mr. Kilgard is a Phoenix native and a founding member of Keller Rohrbach, P.L.C., based in Phoenix, Arizona. In over thirty years of practice, he has litigated a broad array of commercial matters for both plaintiffs and defendants, in both state and federal courts. In the last decade he has been extensively involved in litigating cases on behalf of pension plan participants, involving claims of financial and fiduciary misconduct. In particular, he has been actively involved in several national class actions involving the plans of Enron, WorldCom, Global Crossings, Xerox, Merrill Lynch, Marsh McLennan, and many others. Mr. Kilgard is currently involved in a similar class action involving the 401(k) plan of now defunct Fremont General Corporation, and he is lead ERISA counsel in a high profile case in Minnesota involving the extent to which “church plans” are exempt from the requirements of ERISA. He has served on the Arizona State Bar’s Civil Practice and Procedure Committee and is a founding member of the Arizona State Bar’s Class Action Committee. He is also a frequent speaker at seminars, for both lawyers and judges, on litigation and pension plan issues. Mr. Kilgard received bachelor’s and master’s degrees from Harvard before returning home to Arizona for law school. Mr. Kilgard graduated from the A.S.U. College of Law as the Editor-In-Chief of the law review and was selected by faculty as the outstanding graduate of his class. Upon earning his law degree, Mr. Kilgard clerked for the Hon. Mary Schroeder on the Ninth Circuit Court of Appeals before entering private practice. He has been admitted in Arizona since 1979.



### *Sarah H. Kimberly*

Sarah Kimberly’s practice focuses on complex ERISA breach of fiduciary duty litigation. She has successfully litigated numerous class actions, including *Alvidres v. Countrywide Financial Corp.* Ms. Kimberly is also actively involved in *In re IndyMac ERISA Litigation*, *In re Fremont General Corp. Litigation*, and *In re Marsh ERISA Litigation*. Ms. Kimberly graduated from The George Washington University Law School, where she worked as a legal fellow in a community legal clinic and as a law clerk in the National Security Section of the United States Attorney’s Office for the District of Columbia. Prior to law school, Ms. Kimberly worked as an editor at a major publishing company in Boston. She earned her B.A. in Art History from Dartmouth College, and is admitted to practice in Washington State and the Western District of Washington. Ms. Kimberly is also a member of the Washington State, King County, and American Bar Associations, as well as Washington Women Lawyers.





### *David J. Ko*

David Ko practices in Keller Rohrback's nationally recognized complex litigation group, where he represents plaintiffs primarily in the areas of consumer protection and ERISA class action litigation. Prior to joining the firm, David completed a two year clerkship for the Honorable Ricardo S. Martinez, United States District Judge in the Western District of Washington. After earning his J.D. at Seattle University School of Law, David obtained an LL.M. in Taxation at the University of Washington, where he represented low-income individuals against the IRS in the Federal Tax Clinic. During law school, he served as a Rule 9 intern for a local public defender's office, and also interned at a civil litigation firm. David received the top grade in his class in Constitutional Law and Legal Writing II, and was selected to the National Order of the Baristers for excellence in oral advocacy.



### *Cari Campen Laufenberg*

Cari Campen Laufenberg's practice focuses on complex litigation with an emphasis on ERISA litigation. She has made significant contributions in cases such as *In re Marsh ERISA Litigation*, *In re Williams Cos. ERISA Litigation*, *In re HealthSouth Corp. ERISA Litigation*, and *In re Goodyear Tire & Rubber Co. ERISA Litigation*. Ms. Laufenberg earned a J.D. and Masters of Public Administration from the University of Washington. During law school, she served as a judicial extern for U.S. District Court Judge Barbara Jacobs Rothstein. Ms. Laufenberg received her B.A. from the University of California, San Diego in Art History and Criticism. She is admitted to the bar of the State of Washington and the U.S. District Courts for the Western and Eastern Districts of Washington. She is a member of the King County Bar Association, Federal Bar Association, American Bar Association, American Association for Justice, and Washington Women Lawyers. Ms. Laufenberg was recognized in 2008 and 2009 as a "Rising Star" by *Washington Law and Politics* in its annual review of the State's legal professionals.





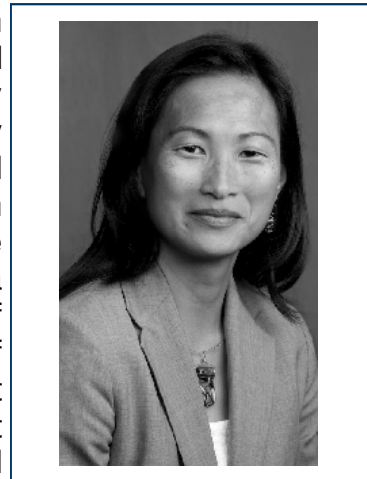
### *Elizabeth A. Leland*

Beth Leland's practice focuses on securities and investment fraud litigation, as well as ERISA breach of fiduciary duty class action cases. She has served as lead counsel in numerous complex cases that have resulted in multimillion dollar settlements. Ms. Leland has more than fifteen years of experience litigating complex cases arising from investment fraud at both the trial and appellate levels, and is also experienced in consumer protection, mass tort, and antitrust litigation. Ms. Leland has made significant contributions in securities and ERISA cases such as the *In re Apple, Inc. Derivative Litigation*, *In re Anicom, Inc. Securities Litigation*, *In re Dynegy, Inc. ERISA Litigation*, *In re IKON Office Solutions, Inc. Securities Litigation*, *In re Merrill Lynch & Co., Inc. ERISA Litigation*, *In re Visteon Corporation ERISA Litigation* and the *In re Xerox Corporation ERISA Litigation*. She is an active member of the King County, Washington State, and American Bar Associations, including the American Bar Association's Section of Labor & Employment Law. She earned her B.A. in Business Administration with concentrations in Finance and Business Economics from the University of Washington and graduated *cum laude* from the University of Puget Sound School of Law. Ms. Leland is admitted to practice in Washington State and Federal Courts, as well as the Ninth and other Circuits across the country.



### *Tana Lin*

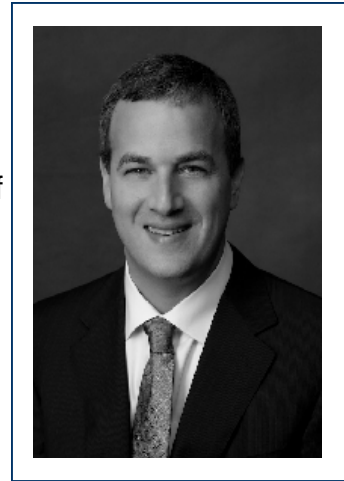
Tana Lin's practice includes representing employees in ERISA breach of fiduciary duty class actions, mutual fund shareholders in suits alleging breaches of fiduciary duty by investment advisors in violation of the Investment Company Act, and nurses in cases alleging that hospitals depressed their wages in violation of the Sherman Act. Ms. Lin began her career as a trial attorney with the Public Defender Service for the District of Columbia. She then joined and became a senior trial attorney with the Employment Litigation Section of the Civil Rights Division of the United States Department of Justice and, subsequently, the Equal Employment Opportunity Commission. She has prosecuted employment discrimination cases against governmental entities and private corporations such as Wal-Mart. Ms. Lin also developed and implemented impact projects to address systemic problems affecting the poor as the litigation coordinator for the Michigan Poverty Law Program. She received her A.B. with Distinction from Cornell University and her J.D. from New York University School of Law, where she was a Root-Tilden-Snow Scholar.





*Derek W. Loeser*

Derek Loeser is a partner in the firm's Complex Litigation Group. His practice focuses on ERISA class action, securities fraud, and investment mismanagement cases, which he has litigated throughout the country. He has recovered hundreds of millions of dollars for employees, retirees, and retirement plans, as well as institutional investors. In addition to his work on cases that have been resolved, including Enron, WorldCom, Countrywide, and Washington Mutual, Mr. Loeser currently serves as Lead or Co-Lead Counsel in several large-scale ERISA breach of fiduciary duty cases, and represents institutional investors in mortgage-backed securities cases brought against Wall Street banks and other financial institutions under state blue sky and federal securities laws.



Mr. Loeser is a member of the American Bar Association's Section of Labor & Employment Law and the Employee Benefits Committee as a Plaintiff attorney, and is a frequent speaker at national ERISA conferences. Before joining Keller Rohrback in 2002, he clerked for the Hon. Michael R. Hogan, United States District Court, District of Oregon, and was a trial attorney in the Employment Litigation Section of the Civil Rights Division of the United States Department of Justice in Washington, D.C. Mr. Loeser obtained his B.A. from Middlebury College, where he graduated *summa cum laude*, with highest departmental honors, and as a member of Phi Beta Kappa. He graduated with honors from the University of Washington School of Law. Mr. Loeser was named in 2007, 2008, and 2009 as a "Super Lawyer" among civil litigators and recognized in 2005 and 2006 as a "Rising Star" by *Washington Law and Politics* magazine in its annual review of the State's legal profession. Mr. Loeser was named a recipient of the 2010 Burton Award for Legal Achievement for the article, "*The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*," which was published in *Pension & Benefits Daily* on August 31, 2009. Mr. Loeser also co-authored the article "*The Case Against the Presumption of Prudence*," which was published in *BNA Pension & Benefits Daily*, Sept. 10, 2010 (174 PBD, 9/10/10).

He is admitted to practice in Washington State, United States District Courts for the Western and Eastern Districts of Washington, the Eastern District of Michigan, Northern District of Illinois, United States Courts of Appeals for the Second, Sixth, Eighth, Ninth and Eleventh Circuits, and on a pro hac vice basis in federal district courts throughout the country.



*Gretchen S. Obrist*

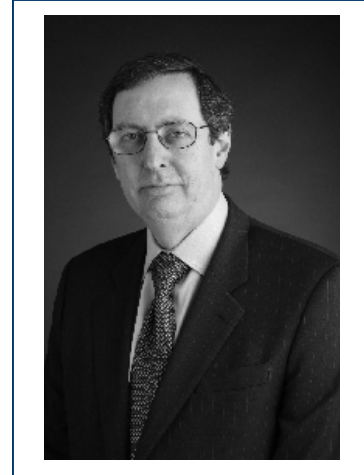
Gretchen Obrist joined Keller Rohrback’s complex litigation group in 2007. She has a broad federal court practice. Ms. Obrist has litigated ERISA fiduciary breach, cash balance pension plan, and excessive fee cases, as well as antitrust, RICO, consumer protection, and torts claims. While Ms. Obrist primarily represents plaintiffs, she has also represented defendants and third parties in complex cases. She has made significant contributions in *Braden v. Wal-Mart Stores, Inc.*, *In Re Bear Stearns Cos. Inc. ERISA Litigation*, the Washington Mutual and J.P. Morgan pension plan litigations, *In re Dry Max Pampers Litigation*, and the firm’s mortgage-related practice area. Prior to joining Keller Rohrback, Ms. Obrist worked for two years as a law clerk to the Hon. John C. Coughenour, U.S. District Judge for the Western District of Washington. Ms. Obrist earned her J.D. from the University of Nebraska, where she was Editor-in-Chief of the *Nebraska Law Review*. During law school, Ms. Obrist worked at a public defender’s office and the Nebraska Domestic Violence Sexual Assault Coalition. She also has worked on legal issues generated by welfare reform. Ms. Obrist was named a “Rising Star” by *Washington Law and Politics* in 2010. She is admitted to practice in Washington State.





### David S. Preminger

David Preminger is a partner in the firm's Complex Litigation Group. His practice focuses on ERISA class action cases as well as individual benefit claims. He has been the lead counsel or co-counsel on numerous ERISA class action, breach of fiduciary duty cases with multimillion dollar settlements. While perhaps divulging too much, Mr. Preminger has been litigating ERISA cases on behalf of employees and retirees since the Act's passage in 1974. He also has extensive experience litigating anti-trust, real estate and general commercial and corporate matters. Mr. Preminger speaks frequently on issues concerning employee benefits litigation and is a former co-chair of the Fiduciary Responsibility Subcommittee of the Labor and Employment Section of the American Bar Association and was also previously the co-chair of the Subcommittee on ERISA Preemption and the Subcommittee on ERISA Reporting and Disclosure. Mr. Preminger has also served on the Employee Benefits Committee of the Association of the Bar of the City of New York and on that Association Committee on Legal Problems of the Elderly of which he was the chair of the Subcommittee on Pension and Welfare Benefit Plans. Mr. Preminger is also a senior editor of *Employee Benefits Law* (BNA), a widely used treatise on the subject, and has written law review articles on topics concerning ERISA as well. Mr. Preminger is also a charter member of the American College of Employee Benefits Counsel. Criteria for membership include at least 20 years of employee benefit experience including significant writing, lecturing and public service and recognition of the member by his or her peers for expertise in the field and intellectual excellence. He has also been recognized as a Super Lawyer in the field of employee benefits for the last several years. Prior to joining Keller Rohrback, Mr. Preminger was a partner at Rosen Preminger & Bloom LLP where his practice concentrated on ERISA litigation. Mr. Preminger was previously a Supervisory Trial Attorney for the Equal Employment Opportunity Commission, a Senior Attorney with Legal Services for the Elderly Poor and a Reginald Heber Smith Fellow with Brooklyn Legal Services.



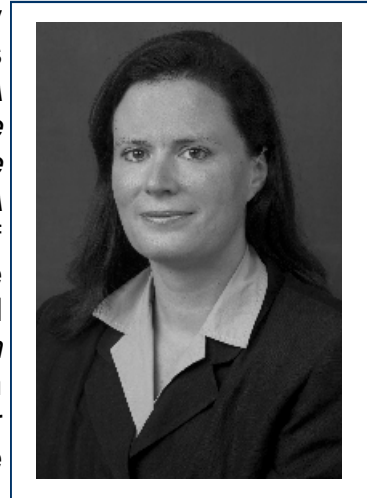
### Education and Admissions

Mr. Preminger received his B.A. degree in mathematics from Rutgers University in New Brunswick, NJ, and his law degree at New York University School of Law where he was a member of the *Journal of International Law & Politics*. He is admitted to the bar of the State of New York State and to the United States Supreme Court, the United States Courts of Appeal for the Second, Fourth, Seventh, Ninth and District of Columbia Circuits, and the United States District Courts for the Southern, Eastern, Western and Northern Districts of New York.



*Erin M. Riley*

Erin Riley's practice focuses on ERISA breach of fiduciary duty litigation. She has successfully litigated numerous class actions, including *In re Merrill Lynch & Co., Inc. ERISA Litigation*. Ms. Riley is also actively involved in *In re Washington Mutual, Inc., et al. ERISA Litigation*, *In re IndyMac ERISA Litigation*, and *In re Wachovia Corp. ERISA Litigation*. She graduated *cum laude* from the University of Wisconsin School of Law and was a managing editor of the *Wisconsin Law Review*. She received her B.A. in French and History from Gonzaga University, where she graduated *cum laude*. Ms. Riley is licensed to practice in both Washington and Wisconsin and is a member of the American Bar Association's Section of Labor & Employment Law and the Employee Benefits Committee as a plaintiff attorney. Ms. Riley was recognized in 2009 as a "Rising Star" by *Washington Law and Politics* in its annual review of the State's legal professionals and co-authored the article "*The Case Against the Presumption of Prudence*," which was published in *BNA Pension & Benefits Daily*, Sept. 10, 2010 (174 PBD, 9/10/10).





*Karin B. Swope*

Karin Swope practices in the firm's nationally recognized complex litigation group. Karin's practice focuses on ERISA and consumer class actions. Prior to joining the firm, Karin litigated commercial cases, primarily in the areas of intellectual property, and business disputes. She also has significant experience in responding to government enforcement activities, including white collar criminal prosecutions, federal civil enforcement actions, and government investigations, and has counseled clients on internal corporate investigations.



Karin is an Associate Editor of the *American Bar Association Tort, Trial, and Insurance Practice Law Journal*. She is also an adjunct professor at Seattle University School of Law where she teaches in the Art Law Clinic. She is a frequent speaker for Washington State Bar Association CLE programs.

Karin clerked for the Hon. John C. Coughenour, United States District Court, District of Western Washington from 1993 to 1995, and for the Hon. Robert E. Cowen, United States Court of Appeals for the Third Circuit from 1995 to 1996. She graduated Phi Beta Kappa with a B.A. in English and Political Science from Amherst College in 1987 and earned her J.D. from Columbia University School of Law in 1993, where she was Executive Articles Editor for the *Columbia Human Rights Law Review*, and a Harlan Fiske Stone Scholar and Paul Bernstein Award recipient. She has been recognized as a "Rising Star" by *Washington Law and Politics Magazine*.



*Havila Unrein*

Havila Unrein practices in Keller Rohrback's nationally recognized complex litigation group. Havila received a concurrent J.D./LL.M. (Tax), with honors, from the University of Washington School of Law in 2008. During law school, Havila provided tax and business advice to low-income entrepreneurs and high-tech start-ups as a student in the Entrepreneurial Law Clinic. She also served as an extern to the Hon. Stephanie Joannides of the Anchorage Superior Court. Prior to law school, Havila worked and studied abroad in Russia, Azerbaijan, and the Czech Republic. She received her B.A. in Russian Area Studies from Dartmouth College, where she graduated *magna cum laude*.



*Margaret E. Wetherald*

Margie Wetherald is a partner of Keller Rohrback and serves on the firm's executive committee. Throughout her practice, Ms. Wetherald has handled complex litigation in multiple state and federal jurisdictions with a concentration on commercial insurance coverage and bad faith, ERISA breach of fiduciary duty, and class action litigation. Ms. Wetherald has also handled mass tort litigation involving transmission of AIDS to hemophiliacs through blood. She graduated from Cornell Law School. Ms. Wetherald taught at the Columbus School of Law at Catholic University in Washington, D.C. from 1983 to 1985. She chaired the Northwest Environmental Claims association at various times over a ten-year period and has been a frequent author and speaker on insurance coverage issues. She is admitted to practice in the United States Supreme Court, the United States Court of Appeals for the Ninth Circuit, the United States District Courts for Eastern and Western Washington and in the State Courts in Washington and Oregon.





*Amy Williams-Derry*

Since joining Keller Rohrback's Complex Litigation Group in 2005, Amy Williams-Derry has spearheaded numerous class action lawsuits for the firm, specializing in ERISA litigation on behalf of retirement plan beneficiaries and consumer protection cases. She has litigated at both the trial and appellate levels, and has successfully represented clients in mediation and arbitration before the National Labor Relations Board, the National Association of Securities Dealers, and the New York Stock Exchange. Prior to joining Keller Rohrback, Ms. Williams-Derry litigated in both the private and non-profit sectors, with a diverse background in corporate and environmental matters. Ms. Williams-Derry earned her A.B with honors from Brown University and her J.D. from the University of Virginia, where she served as Editor-in-Chief of the *Virginia Environmental Law Journal*. She is admitted to practice in the Western and Eastern Districts of Washington, the Eastern District of Michigan, and before the Second and Ninth Circuit Courts of Appeal. *Washington Law & Politics* magazine has named Ms. Williams-Derry a "Rising Star" among civil litigators every year from 2003 through 2009.





**Additional Keller Rohrbach attorneys working with the ERISA Litigation Group:**

**Corporate**

Stephen R. Boatwright\*  
Alicia M. Corbett\*  
Glen P. Garrison  
Scott C. Henderson  
Amy E. Hughes  
Robert S. Over  
Thomas A. Sterken  
Benson D. Wong

**Banking**

Stephen R. Boatwright\*  
Alicia Corbett\*  
Glen P. Garrison  
Thomas A. Sterken

**Securities**

Stephen R. Boatwright\*  
Alicia M. Corbett\*  
Rob J. Crichton  
Juli E. Farris  
Glen P. Garrison  
Elizabeth A. Leland  
Robert S. Over  
William C. Smart  
Michael D. Woerner

**Bankruptcy**

John T. Mellen  
Amy Phillips

**Contracts**

Rob J. Crichton  
Mark A. Griffin  
Benjamin J. Lantz  
John T. Mellen  
Amy Phillips  
David J. Russell  
Mark D. Samson\*  
William C. Smart

**Employment Law**

Ian S. Birk  
Rob J. Crichton  
Benjamin J. Lantz  
William C. Smart  
Benson D. Wong

**Insurance Coverage**

Chloethiel W. DeWeese  
Maureen M. Falecki  
Irene M. Hecht  
Michael G. Howard  
David J. Russell  
Margaret E. Wetherald

**Professional Malpractice**

John Mellen

\*Admitted to practice in the State of Arizona only.