

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE: MUNICIPAL MORTGAGE &
EQUITY, LLC, SECURITIES AND
DERIVATIVE LITIGATION

MDL 08-MD-1961

ALL CLASS ACTIONS

**DECLARATION OF DAVID A.P. BROWER IN SUPPORT OF BROWER PIVEN, A
PROFESSIONAL CORPORATION'S APPLICATION FOR AWARD OF ATTORNEYS' FEES
AND REIMBURSEMENT OF EXPENSES**

I, DAVID A.P. BROWER, hereby declare under the penalty of perjury, as follows:

1. I am a Managing Director of Brower Piven, A Professional Corporation ("Brower Piven"). My firm, with Berger & Montague, P.C. ("Berger & Montague"), is Co-Lead Counsel for Plaintiffs and the Class in the above captioned action (the "Action").¹
2. I submit this declaration in support of Plaintiffs' Counsel's application for award of attorneys' fees and reimbursement of expenses.
3. I have personal knowledge of the matters set forth herein and all aspects of Plaintiffs' and Plaintiffs' Counsel's efforts in this Action.
4. My firm, as Co-Lead Counsel, has been primarily responsible for developing, directing and/or implementing every aspect of Plaintiffs' prosecution of this Action.
5. In summary, attorneys from my firm directed, participated in and/or supervised all of Plaintiffs' counsel's efforts in the Action, including the investigation of Plaintiffs' claims; drafting the operative complaint; drafting the relevant motion papers filed in this Court, including the opposition to

defendants' motion to dismiss; arguing in opposition to defendants' motion to dismiss before this Court in an all-day hearing; working with Plaintiffs' experts; drafting the appellate briefs and the petition for writ of certiorari; arguing the appeal in the Fourth Circuit; negotiating the Settlement with Defendants' counsel, including negotiating the content of the Stipulation and the accompanying notices and orders; preparing all of the papers in support of the Settlement; and supervising the claims administrator in providing the notice to the Settlement Class and administering claims.

6. For further detail of the work performed by Co-Lead Counsel and the results achieved, I respectfully refer the Court to the detailed accompanying Declaration of Charles J. Piven In Support of Final Approval of Class Action Settlement, Plan of Allocation, and Application For An Award of Attorneys' Fees and Reimbursement of Expenses, dated July 27, 2015.

7. The total number of professional hours spent on this litigation by Brower Piven from its inception to July 27, 2015, is 2,132.80. The total lodestar amount for the attorneys and paraprofessionals of Brower Piven who performed services on this Action, based on each of their current billable hourly rate, is \$1,477,414.00. The attorneys and paraprofessionals who worked on this Action at my firm, the number of hours they devoted to this Action and the total lodestar of each of those attorneys and paraprofessionals are as follows:

¹ Unless otherwise indicated, all capitalized terms have the same meanings as set forth in the Stipulation of Settlement dated April 15, 2015 (the "Stipulation").

Inception Through July 27, 2015

Name*	Total Hours	Hourly Rate	Total Lodestar
David A.P. Brower (MD)	411.50	\$975.00	\$401,212.50
Charles J. Piven (MD)	362.70	\$870.00	\$315,549.00
Benjamin Hinerfeld (A)	114.90	\$725.00	\$83,302.50
Andrew Wilmar (A)	47.50	\$650.00	\$30,875.00
Katherine Bornstein (A)	18.90	\$650.00	\$12,285.00
Caitlin Moyna (A)	2.00	\$625.00	\$1,250.00
Yelena Trepetin (A)	800.00	\$600.00	\$480,000.00
Charles Noah Insler (A)	59.80	\$550.00	\$32,890.00
Daniel Kuznicki (A)	33.30	\$550.00	\$18,315.00
Marshall Perkins (A)	141.00	\$425.00	\$59,925.00
Jessica Sleater (A)	59.70	\$400.00	\$23,880.00
Eric Love (PL)	81.50	\$220.00	\$17,930.00
Totals	\$2,132.80		\$1,477,414.00

* “MD” means Managing Director; “A” means associate, “PL” means paralegal

7. The background, experience, and qualifications of each of the attorneys and the paralegal at my firm who performed work in this case are set forth in the attached Exhibit A hereto.

8. The hourly rates reflected in the above chart are the current usual and customary rates charged for each individual at my firm in all of my firm’s contingent and non-contingent matters, and these rates have been regularly accepted and approved in fee applications by various federal and state courts around the country.

9. I believe that the rates charged for the lawyers and paraprofessionals at my firm are comparable to the rates charged by attorneys in the communities in which my firm practices who concentrate in complex national class action securities and shareholder rights litigation, including those who practice in New York City and Baltimore. I further believe these rates are representative of the

rates charged by defense counsel who concentrate in complex national class action securities and shareholder rights litigation, including counsel representing defendants in this Action.

10. Further, it is the custom and practice in the legal communities in which my firm practices to bill the time of paraprofessionals on an hourly basis, including in New York and Baltimore.

11. The time listed in the above chart does not include any time spend preparing the papers in support of Co-Lead Counsel's application for an award of attorneys' fees and reimbursement of expenses.

12. My firm also incurred a total of \$33,664.16 in expenses in connection with the prosecution of this litigation. The categories of expenses are as follows:

Inception Through July 27, 2015

Description	Amount
Reproduction Costs/Printing/Messenger/Postage/Express Mail	\$6,935.05
Court Reporter/Transcripts/Court Costs	\$2,839.74
Computer Research/Pacer/Lexis/Westlaw	\$4,153.37
Travel/Meals/Hotels	\$3,847.90
Long Distance Telephone/Telecopier	\$94.96
Axia Advisors (Accounting Expert)	\$7,181.25
Gryphon Investors (Private Investigators)	\$8,611.89
TOTAL EXPENSES	\$33,664.16

13. The expenses pertaining to this case are reflected in the records of this firm. I believe the foregoing expenses were reasonably and necessarily incurred in the prosecution of the Action and that they materially contributed to the results achieved for the Settlement Class.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 27th day of July 2015, in New York, NY.



DAVID A.P. BROWER

EXHIBIT A

BROWER PIVEN
A PROFESSIONAL CORPORATION

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With offices in New York City and Stevenson, Maryland, Brower Piven focuses its practice in the areas of complex class action and other representative litigation. The firm's practice areas, while diverse, enable Brower Piven clients to call upon experience and resources available at few firms of its size. Brower Piven clients range from institutional and large private investors, to small and large businesses, to small individual investors and retail consumers. Regardless of the size of the matter, Brower Piven provides every client with the professional service, care, and quality that Brower Piven believes every client deserves.

Attorneys at Brower Piven, some with over 25 years of experience, are nationally recognized in the class action arena. The firm's attorneys have vast experience advising and representing plaintiffs in class actions under the federal securities laws; federal and state consumer protection laws; federal and state antitrust laws; state shareholder and corporate governance laws; federal and state environmental laws; and federal RICO laws. Brower Piven attorneys have served their clients in literally hundreds of federal and state actions in almost every state in the nation.

The attorneys at Brower Piven have obtained numerous important recoveries, been responsible for decisions regularly relied upon by courts and others practicing in the field and achieved precedent-setting corporate governance reforms in the fields of securities law and shareholder rights.

The success of the strategies pursued by Brower Piven's attorneys in representing their clients over the years has been demonstrated by clients and classes receiving well over a billion dollars in past and pending recoveries. The following is a sample of significant recoveries that are the product of the depth and breadth of the professional experience of the attorneys at Brower Piven who played a leading role in achieving them:

Freudenberg v. E*TRADE Financial Corporation, et al., 07 Civ. 8538 (JPO) (MHD) (S.D.N.Y.). Federal securities fraud class action arising from E*TRADE's allegedly false and misleading statements concerning its mortgage business, resulting in a \$79 million settlement. The Court's decision denying Defendants' motion to dismiss the action is frequently cited by judges and investor counsel.

Landmen Partners, Inc. v. The Blackstone Group L.P., et al., 08-03601 (S.D.N.Y.). A federal securities fraud class action against a global alternative asset manager, resulting in a recovery of \$85 million. After losing in the district court, plaintiffs appealed to the Court of Appeals for the Second Circuit which, after briefing by attorneys at the firm and oral argument by David Brower, issued a landmark decision reversing the district court, a decision regularly relied upon by jurists and plaintiffs' lawyers alike.

In re Laureate Educ. S'holder Litig., (Cir. Ct., Balto. City, 24-C-07-000664). Charles Piven successfully briefed and argued for Appellants in the Maryland Court of Appeals, *Shenker v. Laureate Educ., Inc.*, 8, 2009 Md. LEXIS 837 (Md. Nov. 12, 2009) (the first authoritative case in Maryland to articulate that in a change of control merger or acquisition transaction, directors of public companies incorporated in Maryland are obligated to maximize shareholder value and to disclose all information necessary to allow shareholders to make a fully informed decision whether to vote in favor of a particular transaction).

In re Cell Therapeutics, Inc. Class Action Litigation, C10-414 MJP (W.D. Wash.). A federal securities class action arising from allegedly false and misleading statements concerning the company's drug Pixantrone, resulting in a \$19 million settlement.

Klugman v. American Capital Ltd., et al., 8:09-CV-00005-PJM (D. Md.). A federal securities class action arising from allegedly false and misleading statements concerning the company's ability to pay a dividend, resulting in an \$18 million settlement for investors.

Wagner v. Barrick Gold Corp., et al., 1:03cv4302 (S.D.N.Y.). A federal securities class action arising from allegedly false and misleading statements concerning the company's ability to be profitable in an environment of rising gold prices, resulting in a settlement totaling \$24 million.

In re Vivendi Universal, S.A. Sec. Litig., 02 Civ.5571 (S.D.N.Y.). Brian Kerr was one of the principal trial counsel in the securities fraud class action against Vivendi Universal, where the jury returned a verdict that at the time had an estimated value of up to \$9 billion.

Steiner v. Southmark Corporation, 3-89-1387-D (N.D. Tex.). A federal securities fraud class action against defunct real estate partnership marketer and its outside accountants resulting in a recovery of over \$75 million in cash for investors.

In re Petro-Lewis Securities Litigation, 84-C-326 (D. Colo.). A federal securities fraud class action on behalf of limited partners and shareholders where plaintiffs recovered over \$100 million in cash and benefits including the restructuring of dozens of oil and gas limited partnerships.

In re StarLink Products Liability Litigation, MDL 1403, 01 C 4928 (N.D. Ill.). A class action on behalf of all American corn farmers in nationwide litigation against manufacturer of unapproved pesticide which allegedly infected the U.S. corn supply and recovering over \$125 million in cash for class members.

Romig v. Jefferson-Pilot Life Insurance Company, 95 CVS 9703 (Supr. Ct. N.C.). A deceptive insurance sales practices action brought on behalf of a class of Jefferson Pilot life insurance purchasers, resulting in a recovery for policyholders valued at over \$55 million.

In re MicroStrategy Securities Litigation, 00-473-A (E.D. Va.). A federal securities fraud class, where over \$125 million was recovered for investors, the Court commented that: “Clearly, the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition that they enjoy.”

In re Arakis Energy Corporation Securities Litigation, 95-CV-3431 (ARR) (E.D.N.Y.). A federal securities class action against Canadian company resulting in a recovery of over \$24 million for investors.

In re Spectrum Information Technologies Securities Litigation, CV-93-2295 (FB) (E.D.N.Y.). A securities fraud action against bankrupt issuer where over \$10 million in cash was recovered (including all insurance coverage available) for investors following successful trial and appeal against directors’ and officers’ insurance carrier who attempted to disclaim coverage.

In re Bristol-Myers Squibb Securities Litigation, 92-CIV-4007 (JES) (S.D.N.Y.). A federal securities class action resulting in recovery of over \$19 million in cash for investors.

Steiner v. Ideal Basic Industries, Inc., 86-M-456 (D. Colo.). A federal securities class action against the former *Fortune 500* cement manufacturer resulting in an over \$17.5 million recovery in cash for investors.

In re Broadwing Securities Litigation, C-1-02-795 (S.D. Ohio). A federal securities class action against major public utility/broadband company resulting in a recovery of over \$35 million in cash for investors.

Berger v. Compaq Computer Corporation, 00-20875 (S.D. Tex.). A federal securities class action where, after a successful appeal of a question of first impression in the federal appellate courts relating to the selection of lead plaintiffs and class certification in the Fifth Circuit under the Private Securities Litigation Reform Act of 1995, over \$29 million was recovered for investors.

In re Bausch & Lomb Securities Litigation, 01-CV-6190 (CJS) (W.D.N.Y.). A federal securities class action resulting in a recovery of over \$12.5 million for investors.

Slone v. Fifth Third Bancorp et al., 1-:03-CV-211 (S.D. Ohio). A securities fraud action against one of the largest mid-west bank holding companies, resulting in a recovery of \$17 million for investors.

Pozniak v. Imperial Chemical Industries, PLC, et al., 1:03cv2457(NRB) (S.D.N.Y.). A securities fraud action against one of the largest public corporations in the U.K., resulting in a recovery of approximately 90% of recoverable damages in cash for investors.

J.E. Pierce Apothecary, Inc. v. Harvard-Pilgrim Health Care, Inc., et al., 98-12635-WGY (D. Mass.). An unfair and deceptive trade practices action on behalf of independent Massachusetts pharmacies against Harvard Pilgrim HMO and CVS Pharmacies, Inc. resulting, after bench trial, in excess of 100% of estimated recoverable damages for the class, including trebling.

SECURITIES CLASS ACTION LITIGATION:

Brower Piven is a leader in the fight against securities fraud, aggressively pursuing securities fraud cases on behalf of investors who have been injured by corporate fraud and financial wrongdoing. Courts around the country, co-counsel and opposing counsel have repeatedly recognized Brower Piven's reputation for excellence in this field and its role as a leading advocate for shareholders and investors.

Examples of current matters in which Brower Piven has a leadership role demonstrate the scope of the firm's expertise:

In re Merck & Co., Inc. Securities, Derivative & ERISA Litigation, 3:05-CV-02367 (MDL 1658) (D.N.J.). In 2003, a group of investors filed suit against Merck & Co. accusing the company of defrauding investors and hiding the serious safety issues relating to Vioxx. The district court dismissed the entire lawsuit, finding that the plaintiffs had failed to file their lawsuit within the required time period. The United States Supreme Court unanimously found that the plaintiffs had timely filed their lawsuit. The case was remanded and is currently pending before the district court.

In re Crocs, Inc. Securities Litigation, 07-cv-02351-PAB-KLM (D. Colo.). In 2007, investors filed suit against Crocs, Inc., alleging that the company made false statements about its business and its inventory and management systems, and that these false statements produced significant investment losses. After the case was dismissed, Brower Piven refused to drop the matter and vigorously pursued an appeal of that dismissal. In the face of completed briefing, Brower Piven was able to extract from the Crocs defendants a \$10 million settlement for aggrieved investors. That settlement is currently awaiting final court approval.

In re Oppenheimer Rochester Funds Group Securities Litigation, 09-md-02063-JLK-KMT (D. Colo.). Shareholders in seven different Oppenheimer municipal bond funds brought suit alleging that these funds misrepresented or failed to disclose the nature and degree of the risks associated with the extremely risky investment strategies relying on low quality, unrated, and/or illiquid bonds, or on highly-leveraged derivative instruments known as "inverse floaters." Brower Piven worked aggressively with co-counsel to obtain a \$89.5 million cash settlement for investors. The court is expected to consider approval of the settlement in 2014.

Other Representations:

- *Landmen Partners, Inc. v. The Blackstone Group L.P., et al.*, 08-CV-03601-HB-FM (S.D.N.Y.)
- *Freudenberg v. E*TRADE Financial Corporation, et al.*, 07 Civ. 8538 (JPO) (MHD) (S.D.N.Y.)
- *Espinoza v. Whiting (Patriot Coal Sec. Litig.)*, 4:12-cv-1711 (E.D. Mo.)
- *In re OCZ Technology Group, Inc. Sec. Litig.*, 3:12-cv-5265 (N.D. Cal.)
- *DeAngelis v. Corzine (MF Global Sec. Litig.)*, 11-cv-7866 (S.D.N.Y.)
- *Julianello v. K-V Pharmaceutical Co.*, 4:11-cv-1816 (E.D. Mo.)
- *Gordon v. Sonar Capital Management LLC*, 11 Civ. 9665 (S.D.N.Y.)
- *Shah v. GenVec, Inc., et al.*, 8:12-cv-00341-DKC (D. Md.)
- *In re Arotech, Inc. Securities Litigation*, 07-cv-1838 (RJD) (VVP) (E.D.N.Y.)
- *Gomez v. Bidz.com, Inc., et al.*, CV09-03216 CMB-Ex (C.D. Cal.)
- *Gosselin v. First Trust Advisors, L.P., et al.*, 08-cv-05213 (N.D. Ill.)
- *The Pennsylvania Avenue Funds v. Inyx, Inc., et al.*, 08-cv-06857-PKC (S.D.N.Y.)
- *In re Opteum, Inc. Securities Litigation*, 07-14278-CIV-GRAHAM (S.D. Fla.)
- *Beauregard v. Smart Online, Inc.*, 07-CV-00785-WO-PTS (M.D.N.C.)
- *In re Spectranetics Corporation Securities Litigation*, 08-cv-02048-REB-KLM (D. Colo.)
- *In re Interlink Electronics, Inc. Securities Litigation*, CV05-8133 AG (SHx)
- *In re Hemispherx BioPharma, Inc. Litigation*, 09-05262 (E.D. Pa.)
- *Kaplan v. Gaming Partners International, Inc.*, 2:07-cv-00849 (D. Nev.)
- *In re HomeBanc Corp. Sec. Litig.*, 1:08-cv-1461 (N.D. Ga.)
- *In re Cell Therapeutics, Inc. Class Action Litigation*, C10-414 MJP (W.D. Wash.)
- *Klugman v. American Capital Ltd., et al.*, 8:09-CV-00005-PJM (D. Md.)
- *Wagner v. Barrick Gold Corp., et al.*, 1:03cv4302 (S.D.N.Y.)

DERIVATIVE LITIGATION:

Brower Piven is one of the leading firms handling shareholder derivative litigation, frequently representing clients in cases in federal and state courts throughout the country, including the Delaware Chancery Court. Brower Piven has been at the forefront of protecting shareholders' investments by causing important changes in corporate governance either as part of the global settlement of derivative cases or through court orders. Brower Piven is or has been appointed plaintiffs' lead or co-lead counsel in a number of shareholder derivative actions, including:

- *In re: The Bear Stearns Companies Inc. Derivative Litig.*, 08 MD 1963 (S.D.N.Y.)
- *Lockheed Martin Corp., (Smith v. Stevens)*, 11 Civ. 7148 (S.D.N.Y.)
- *In re Merrill Lynch & Co., Inc.*, 07 Civ. 9633 (S.D.N.Y.)

MERGER & ACQUISITION CLASS ACTION LITIGATION:

Brower Piven is a leader in ensuring that the shareholders of companies that are being taken over are fully informed and treated fairly, frequently representing clients in cases in federal and state courts throughout the country, including the Delaware Chancery Court. Brower Piven has enhanced countless transactions by obtaining more money for shareholders and/or by obtaining

additional, material information relating to the transaction, giving shareholders the information needed to resist an otherwise undesirable transaction. Our attorneys have also successfully negotiated the removal of onerous deal-protection devices, created by management, that serve only to dissuade potential suitors from offering competing bids.

Brower Piven is counsel in a number of shareholder litigations that are currently pending, and has successfully represented shareholders as lead, co-lead, or liaison counsel in countless other merger-related class actions. Some of our significant representations, both current and past, include:

In re Laureate Education Shareholder Litigation, 24-C-07-000664 (Md. Cir. Ct. Baltimore City). \$35 million recovery for shareholders.

Underwood v. Reich, et al., 500690 (N.Y. Sup. Ct. County of Kings). On August 17, 2011, Investors Bancorp agreed to purchase all of the outstanding shares of Brooklyn Federal Bancorp. After filing suit on behalf of Brooklyn Federal Bancorp shareholders, Brower Piven obtained an increase of 8.75% from the initial offer. The settlement is currently pending.

In re Bronco Drilling Company, Inc. Shareholders Litigation, 6398-VCP (Del. Ch.). On April 15, 2011, Chesapeake Energy Corporation agreed to acquire all of the shares of Bronco Drilling without disclosing material information to Bronco Drilling's shareholders. After filing suit on behalf of Bronco Drilling shareholders, Chesapeake Energy agreed to fully disclose all material information with respect to the merger.

In re XTO Energy Shareholder Class Action Litigation, 352-242403-09 (Tex. Dist. Ct. Tarrant County). On December 14, 2009, ExxonMobil announced that it was acquiring all of the outstanding shares of XTO Energy in an all-stock deal. At the time of the announcement, the deal was valued at \$41 billion. Brower Piven, co-lead counsel in the case, challenged the \$41 billion merger between XTO Energy, Inc. and ExxonMobil Corporation, one of the largest mergers in U.S. history, alleging that the XTO Board of Directors breached its fiduciary duties to the class; failed to maximize XTO shareholder value; and failed to make full and fair disclosure to XTO's shareholders. As a result of the litigation, in addition to requiring the financial advisor to the company to perform additional analysis and inform the board of directors whether such analysis altered its fairness opinion, XTO was required to disclose the revised opinion to shareholders, which is almost unprecedented, and XTO also made other disclosures that provided shareholders additional, highly-material information concerning the merger.

In re Equity Office Properties Trust Transaction Litigation, 24-C-06-010525 (Md. Cir. Ct. Baltimore City). On November 19, 2006, Equity Office Properties Trust announced that it had entered into a merger agreement with affiliates of the Blackstone Group, L.P. Under the terms of the merger agreement, valued at more than \$38 billion, Equity Office shareholders would receive \$48.50 per share, in cash. After Brower Piven filed suit on behalf of Equity Office shareholders, Equity Office received competing bids, and the company's shareholders ultimately received \$55.50 per share, in cash, for their shares. The Blackstone Group also agreed to disclose additional material information to the shareholders.

In re Herald National Bank Shareholder Litigation, 651629/2011 (N.Y. Sup. Ct.). On June 2, 2011, BankUnited announced that it would be acquiring all of the outstanding shares of Herald National Bank, with Herald's shareholders given the option of receiving cash or stock, though each choice was given a value equal to \$1.35 plus the value of .099 shares of BankUnited common stock. In light of the unfair price, and the unfair process underlying the inadequate consideration, Brower Piven filed suit on behalf of Herald National Bank's shareholders on June 13, 2011.

Shifrin v. Edgar Online, Inc., et al., 36344 (Md. Cir. Ct. for Montgomery County). On May 22, 2012, R.R. Donnelley & Sons Company agreed to acquire Edgar Online, Inc. in all-cash transaction. Shortly after the announcement, Brower Piven filed suit on behalf of shareholders of Edgar Online, Inc., to prevent R.R. Donnelley from acquiring the plaintiffs' shares for inadequate consideration.

In re American Realty Capital Trust, Incorporated Shareholder Litigation, 24-C-12-005306 (Md. Cir. Ct. for Baltimore City). On September 6, 2012, American Realty Capital Trust ("ARCT") and Realty Income jointly announced that they had entered into a definitive merger agreement under which Realty Income will acquire the stock of ARCT in a merger for approximately \$2.95 billion total. Shortly after the announcement, Brower Piven filed suit on behalf of ARCT shareholders to prevent Realty Income from acquiring ARCT shares for inadequate consideration and through an unfair process.

Other Representations:

- *In re SuccessFactors, Inc. Shareholder Litigation*, CIV 510279 (Super. Ct Cal. San Mateo County)
- *In re Adolor Corporation Shareholders Litigation*, 6997-VCN (Del. Ch.)
- *In re Craftmade International Inc. Shareholder Litigation*, 6950-VCL (Del. Ch.)
- *Braun v. Josephine Chaus, et al.*, 652663/2011 (N.Y. Sup. Ct. New York County)
- *In re Beach Business Bank Shareholder Litigation*, BC470648 (Super. Ct. Cal. Los Angeles County)
- *In re Medco / Express Scripts Merger Litigation*, 11-cv-4211 (D.N.J.)
- *Noble Equity Fund v. Conmed Healthcare Management, Inc.*, 02-C-11-162695 (Md. Cir. Ct. Anne Arundel Couty)
- *In re Ness Technologies, Inc. Shareholder Litigation*, 6569-VCN (Del. Ch.)
- *In re Integral Systems Shareholder and Derivative Litigation*, 13-C-11-08692 (Md. Cir. Ct. Howard County)
- *Cournoyer v. Warner Music Group Corp., et al.*, 651367/2011 (N.Y. Sup. Ct. New York County)
- *Smith v. Green Bankshares, Inc., et al.*, 11-625-III (Tenn. Ch.)
- *In re Constellation Energy Group, Inc. Shareholder Litigation*, 24-C-11-003015 (Md. Cir. Ct. Baltimore City)
- *In re Savvis, Inc. Shareholders Litigation*, 6438-VCN (Del. Ch.)
- *In re Smart Modular Technologies Shareholder Litigation*, RG11574156 (Cal. Super. Ct. Alameda County)
- *In re Inspire Pharmaceuticals, Inc. Shareholders Litigation*, 6378-VCP (Del. Ch.)

- *Zilberberg v. Abbe, et al.*, 12623460 (Cal. Super. Ct. Alameda County)
- *In re Nationwide Health Properties Inc. Shareholder Litigation*, 24-C-11- 001476 (Md. Cir. Ct. Baltimore City)
- *In re Hughes Communications, Inc. Shareholder Litigation*, 344070-V (Md. Cir. Ct. Montgomery County)
- *In re Progress Energy Shareholder Litigation*, 11CV000640 (N.C. Super. Ct. Wake County)
- *Schwartz v. Pasternak, et al.*, C-6-11 (N.J. Super. Ct. Ch. Div. Hudson County)
- *In re Atheros Communications, Inc. Shareholder Litigation*, 1-11-CV-191146 (Cal. Super. Ct. Santa Clara County)
- *Galdi v. Optelecom-NFK, Inc., et al.*, 341448-V (Md. Cir. Ct. Montgomery County)
- *In re Allied Capital Corporation Shareholder Litigation*, 322639-V (Md. Cir. Ct. Montgomery County)
- *In re PHH Corporation Transaction Litigation*, 03-C-07-002982 (Md. Cir. Ct. Baltimore County)
- *In re Reckson Associates Realty Corp. Shareholders Litigation*, 06-12871 (N.Y. Sup. Ct. Nassau County)
- *Blaz v. Pan Pacific Retail Properties, Inc. et al.*, 03-C-06-008085 (Md. Cir. Ct. Baltimore County)
- *In re Fairchild Corporation Shareholders Litigation* (Del. Ch.)
- *In re Medarex, Inc. Shareholder Litigation*, C-71-09 (N.J. Super. Ct. Ch. Div. Mercer County)
- *Nasuti v. Colson*, C-20103872 (La. Dist. Ct. for Lafayette Parish)
- *In re Schering-Plough / Merck Merger Litigation*, 09-1099 (DMC)(MF) (D.N.J.)

ERISA CLASS ACTION LITIGATION:

Brower Piven has participated as counsel in complex class actions across the United States on behalf of corporate employees alleging violations of the Employee Retirement Income Security Act (“ERISA”). ERISA is the federal law that prevents employers from exercising improper control over retirement plan assets and requires that pension and 401(k) plan trustees, including employer corporations, exercise the highest fiduciary duties to retirement plans and participants’ retirement funds. At Brower Piven, we are committed to enforcing ERISA and safeguarding the hard-earned retirement funds of employees. Brower Piven has represented plaintiffs in a number of such ERISA cases, including, for example:

- *In re Aquila ERISA Litigation* (W.D. Mo.)
- *In re General Motors ERISA Litigation* (E.D. Mich.)
- *In re ConAgra Foods ERISA Litigation* (D. Neb.)
- *Coca-Cola Enterprises ERISA Litigation* (N.D. Ga.)
- *In re Fannie Mae ERISA Litigation* (D.D.C.)
- *In re Delphi ERISA Litigation* (E.D. Mich.)
- *In re Ford Motor Company ERISA Litigation* (E.D. Mich.)
- *In re JP Morgan Chase & Co. ERISA Litigation* (S.D.N.Y.)
- *In re Pfizer ERISA Litigation* (S.D.N.Y.)

CONSUMER FRAUD CLASS ACTION LITIGATION:

Brower Piven also pursues for clients consumer fraud class action lawsuits. We have represented consumers across the country in class action lawsuits against some of the nation's largest corporations. Consumers victimized by fraud, unfair business practices, defective products, or other wrongful activities often have recourse under federal and state consumer protection laws.

Brower Piven is plaintiffs' counsel in a number of consumer class actions, including:

In re H&R Block, Inc. "Express IRA" Marketing Litigation, 4:06-MD-01786-RED (W.D. Mo.). H&R Block, Inc., the tax preparation company, marketed and sold the Express IRA service to its customers as an effective way to save money and earn interest. But, according to the lawsuit, the Express IRA service paid low interest rates and came with so many different and recurring fees that many customers actually lost money on their investments. Ultimately, the attorneys at Brower Piven helped recover \$19.4 million on behalf of the class. The lawsuit also spurred H&R Block, Inc. to convert the Express IRAs into Easy IRAs - a companion program that came with far fewer fees.

Romig v. Jefferson-Pilot Life Insurance Company, 95 CVS 9703 (N.C. Super. Ct.). In *Romig*, the attorneys of Brower Piven filed suit on behalf of a class who had purchased Jefferson Pilot life insurance, alleging that the company had engaged in deceptive insurance sales practices. As a result of the lawsuit, the attorneys of Brower Piven secured a recovery for policyholders that was valued at more than \$55 million.

J.E. Pierce Apothecary, Inc. v. Harvard-Pilgrim Health Care, Inc., et al., 98-12635-WGY (D. Mass.). After being the victim of unfair and deceptive trade practices, several independent Massachusetts pharmacies filed suit against Harvard Pilgrim HMO and CVS Pharmacies, Inc. After surviving several pre-trial motions, the case was tried before a federal judge, which resulted in a recovery that represented more than 100% of the estimated recoverable damages for the class, even after accounting for treble damages.

Other Representations:

- *Green Tree Force-Placed Insurance Litig. (Purifoy v. Walter Investment Mngt.)*, 13 Civ. 937 (S.D.N.Y.)
- *Bank of America Force-Placed Insurance Litig. (Purifoy v. BofA)*, 13 Civ. 1154 (S.D.N.Y.)
- *Huff v. Liberty League, International, LLC*, EDCV 08-1010-VAP (SSx) (C.D. Calif.)
- *Segal v. Fifth Third, N.A.*, 1:07-cv-348 (S.D. Ohio)
- *Freedman v. Comcast Corp.*, (Md. Cir. Ct. Baltimore City)

APPEALS:

Brower Piven's experience in complex appellate matters ranges from cases at all levels of the federal and state appellate court systems. Our attorneys have been involved in obtaining appellate victories in commercial disputes where the stakes have involved billions of dollars. While we typically handle appeals on our own, other law firms often ask us to work with them on their appeals. Brower Piven is known for being creative appellate lawyers.

Some of our significant appellate representations include:

Merck & Co. v. Reynolds, 130 S. Ct. 1784 (2010). In 2003, a group of investors filed suit against Merck & Co. accusing the company of defrauding investors and hiding the serious safety issues relating to Vioxx. The district court dismissed the entire lawsuit, finding that the plaintiffs had failed to file their lawsuit within the required time period. On appeal, a divided Third Circuit Court of Appeals reversed, with one judge dissenting. On appeal to the Supreme Court, there were no dissents. In a unanimous decision, the United States Supreme Court found that the plaintiffs had timely filed their lawsuit, and allowed the case to continue. In terms of damages, many experts consider *Merck* to be the largest ever federal securities fraud action.

Litwin v. Blackstone Group, L.P., 634 F.3d 706 (2d Cir. 2011). In 2007, The Blackstone Group, L.P., a large asset manager and provider of financial advisory services, went public. Shortly after filing its IPO, investors filed suit, alleging that the company had made material omissions and misstatements in its IPO registration statement and prospectus. The district court disagreed and dismissed the lawsuit for failure to state a claim. On appeal, Brower Piven successfully argued that the plaintiffs' complaint had properly alleged that Blackstone had made material omissions and misstatements in its Registration Statement, and the Second Circuit Court of Appeals vacated the district court's judgment, and remanded for further proceedings.

Lambrecht v. O'Neal, 3 A.3d 277 (Del. 2010). In a certified question from the United States District Court for the Southern District of New York, the Delaware Supreme Court was asked to decide whether plaintiffs in a double-derivative action against an acquired company needed to show, in addition to owning shares in the acquired company, that they also owned shares in the acquiring company and that the acquiring company owned shares in the acquired company. Our firm successfully persuaded the Delaware Supreme Court to answer the question in the negative, striking a blow to the corporate defendants hoping for a quick dismissal.

Shenker v. Laureate Educ., Inc., 983 A.2d 408 (Md. 2009). In this landmark decision for shareholders' rights, the attorneys at Brower Piven persuaded Maryland's highest court to establish a direct cause of action for shareholders against corporate directors, when those corporate directors breach their fiduciary duties to maximize shareholder value in the context of a cash-out merger transaction. The decision overturned a decision by the Maryland Court of Special Appeals, which had held that there was no such direct cause of action.

Other Representations:

- *In re Research In Motion Ltd. Securities Litigation*, 13-1602 (2d Cir.)
- *In re Municipal Mortgage & Equity, LLC, Securities and Derivative Litigation*, 12-2496 (4th Cir.).
- *Ingram, et al. v. Vivus, Inc.*, 12-17398 (9th Cir.)
- *In re Immersion Corporation Securities Litigation*, 12-15100 (9th Cir.)
- *Kleinman v. Elan Corporation*, 11-3706 (2d Cir.)
- *Sollins v. O'Neal*, 11-1589 (2d Cir.)
- *Sanchez v. Crocs, Inc.*, 11-1142 (10th Cir.)
- *Phillips v. Scientific-Atlanta, Inc.*, 10-15910, 2012 U.S. App. LEXIS (11th Cir. Sept. 6, 2012)
- *Jelinek v. Capital Research & Mgmt. Co.*, 448 F. App'x 716 (9th Cir. 2011)
- *Minneapolis Firefighters' Relief Association v. MEMC Elec. Materials, Inc.*, 641 F.3d 1023 (8th Cir. 2011)
- *Kadel v. Flood*, 427 F. App'x 778 (11th Cir. 2011)
- *R.W. Grand Lodge of F. & A.M. of Pennsylvania. v. Salomon Bros.*, 425 F. App'x 25 (2d Cir. 2011)
- *Kaplan v. Charlier*, 426 F. App'x 547 (9th Cir. 2011)
- *In re Soda*, 393 F. App'x 507 (9th Cir. 2010)
- *In re Karkus*, 09-1500, 2010 U.S. App. LEXIS 24559 (10th Cir. Jan. 27, 2010)
- *In re FoxHollow Technologies., Inc.*, 359 F. App'x 802 (9th Cir. 2009)
- *In re SFBC International Inc., Securities & Derivative Litigation*, 310 F. App'x 556 (3d Cir. 2009)
- *In re Cohen v. United States District Court for the Northern District of California*, 586 F.3d 703 (9th Cir. 2009)
- *Segal v. Fifth Third Bank, N.A.*, 581 F.3d 305 (6th Cir. 2009)
- *In re Merck & Co. Sec. Derivative & ERISA Litigation*, 543 F.3d 150 (3d Cir. 2008)
- *Wright v. Ernst & Young LLP*, 152 F.3d 169 (2d Cir. 1998)
- *Freedman v. Comcast Corp.*, 988 A.2d 68 (Md. Ct. App. 2010)
- *Romig v. Jefferson-Pilot Life Ins. Co.*, 513 S.E.2d 598 (N.C. Ct. App. 1999)
- *Glasow v. E.I. Dupont de Nemours & Co.*, 696 N.W.2d 531 (N.D. 2005)

ANTITRUST LITIGATION:

Brower Piven's antitrust practice focuses on representing plaintiffs in complex litigation, such as small businesses and individuals who have been the victims of price-fixing, unfair trade practices, or other anticompetitive conduct. Brower Piven attorneys have acted as lead counsel in a number of antitrust cases, including:

- *Monsanto Company, E. I. du Pont de Nemours and Company and Pioneer Hybrid International, Inc.*, 4:05-CV-01108-ERW (E.D. Mo.)
- *In re Initial Public Offering Antitrust Litigation*, 01 CIV 2014 (WHP) (S.D.N.Y.)
- *Simon-Whelan v. The Andy Warhol Foundation for the Visual Arts, Inc.*, 07 Civ. 6423 (S.D.N.Y.)

DAVID A.P. BROWER

Mr. Brower has over 25 years of complex litigation experience. Mr. Brower has successfully represented plaintiffs in class action securities, consumer protection, environmental, antitrust and RICO actions, and representative shareholder derivative and take-over litigation. Mr. Brower, a member of the Bar of the State of New York, is also admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth and Eleventh Circuits, and innumerable federal and state trial courts. Mr. Brower has participated in the prosecution as lead or co-lead counsel in successful federal securities law class actions against, among others: Imperial Chemical Industries, Fifth Third Bancorp, Southmark Corp., Ideal Basic Industries, Bristol-Myers Squibb, Tower Semiconductor, Gibson Greetings, Arakis Energy Corp., Scoreboard, Coastal Healthcare, Everest & Jennings International, B.T. Office Products, Profit Recovery, Enstar Corp., Jenifer Convertibles, Warner Communications, Sambos Restaurants, Sunrise Savings & Loan, Phillip Morris Companies, Bausch & Lomb, Nanophase Technologies, Ramada Inns, Michael Stores, Inc., Consumers Power Co., Broadwing/Cincinnati Bell, Compaq Computer Corp., and Computer Associates. Mr. Brower has also participated in the prosecution as lead or co-lead counsel in merger litigation on behalf of, among others, public shareholders of Sheller Globe Corp., Petro-Lewis Corp., Floating Point Systems, Holnam Corp., Wometco Enterprises, Inc., Great Bay Casinos Corp., Home Shopping Networks, MCA, Holly Sugar Co., and ARM Financial Group; and shareholder derivative actions on behalf of shareholders of Banner Industries, Marsh & McLennan Companies, and Merrill Lynch, Pierce, Fenner & Smith.

Since 2004, Mr. Brower has been one of the lead attorneys with day-to-day responsibility for the prosecution of the securities fraud claims in *In re Merck & Co, Securities, Derivative & ERISA Litigation*, MDL 1658, 2:05-CV-02367 (D. N.J.), an action where the damages to class member are estimated to be among the largest in the history of federal securities class litigation. Additionally, while at his former firm, Mr. Brower was one of the attorneys with primary responsibility for class certification issues, including successfully arguing the class certification motion before the trial court, in *In re Initial Public Offering Securities Litigation*, 21 MC 92 (S.D. N.Y.), among the largest securities litigations ever prosecuted, encompassing approximately 309 consolidated class action cases alleging market manipulation claims in connection with the initial public offering of securities by over 55 defendant underwriters. Mr. Brower also served as liaison counsel in *In re Sotheby's Holding, Inc. Securities Litigation*, 00 Civ. 1041 (S.D. N.Y.), which resulted in a recovery of over \$75 million for Sotheby's investors.

Mr. Brower has also served as lead or co-lead counsel in consumer fraud actions against Aventis CropScience, Compaq Computer Corporation, Jefferson-Pilot Life Insurance Company, Sprint PCS Wireless, Metropolitan Life Insurance, Harvard Pilgrim Healthcare, and CVS Corporation. In the antitrust field, Mr. Brower acted as lead counsel in litigation against Monsanto Company, E. I. du Pont de Nemours & Co. and Pioneer Hybrid International, Inc. (4:05-CV-01108-ERW (E.D. Mo.), on behalf of genetically modified seed purchasers, and participated in the *In re Initial Public Offering Antitrust Litigation*, 01 CIV 2014 (WHP) (S.D. N.Y.).

In the area of environmental law, Mr. Brower has served as one of the lead attorneys in pollution actions on behalf of Oklahoma landowners against chicken producers, including Tyson Foods,

Inc.; and as counsel for Missouri landowners in pork producer nuisance actions against Contigroup Companies, Inc. (formerly Continental Grain) and Premium Standard Farms, which recently resulted in verdicts in favor of neighboring farmers.

Before joining Brower Piven, Mr. Brower also represented a nationwide class of hospitals in RICO litigation against Tenet Healthcare Corporation based on claims that its conduct caused class member hospitals to receive reduced “Outlier” reimbursements from Medicare.

Mr. Brower has also represented: directors and officers of public companies in securities class actions, including the directors of Heritage Hospitals; represented a former multi-state hospital developer; advised boards of directors of public companies regarding their fiduciary responsibilities; provided opinions as special counsel under Delaware law to public companies, including MGM/UA; represented insurance and reinsurance companies in coverage litigation, including matters involving Johns Manville, PepsiCo and Hilton Hotels; represented commodities dealers and brokers in connection with Commodities Futures Trading Commission reparations actions; represented foreign corporations in United States litigation, including one of Japan’s largest electronics, international hotel and resort companies in litigation against its American counsel and financial advisors; represented a Brazilian trust holding claims for one of Brazil’s largest telecommunications companies; and defended a large, Florida-based, national mortgage brokerage company, Foundation Funding, in class action litigation brought under the Truth In Lending Act.

Mr. Brower, is a graduate of Columbia College of Columbia University (A.B. 1979), and the Georgetown University Law Center (J.D. 1982), and he attended King’s College, University of London (1980), where he studied comparative, international, and EC transactional law. Mr. Brower regularly lectures before professional organizations and at CLE-accredited conferences on the class action procedures and securities laws and shareholder and investor rights, including the American Law Institute/American Bar Association Advanced Course of Study Program, the Practising Law Institute, and the New York State Bar Association. Mr. Brower regularly writes on class action procedures and new issues in class action jurisprudence. Mr. Brower is a long-time member of the New York State Bar Association Subcommittee on Class Actions, has participated as a member of the Executive Committee of the National Association of Securities and Consumer Law Attorneys, and actively participated in legislative initiatives relating to the Private Securities Litigation Reform Act of 1995 and the Class Action Fairness Act of 2005.

CHARLES J. PIVEN

Mr. Piven is a seasoned litigator who has led his own practice since 1990. During his more than 35 years in practice, Mr. Piven has represented individuals, partnerships, trusts, pension plans and corporations in many types of cases. Mr. Piven’s experience includes litigation in the areas of complex securities, shareholder, consumer protection, personal injury and property damage class actions, merger and acquisition class actions, bankruptcy, first amendment, copyright, employment, wrongful death, and legal, medical, accounting and broker malpractice. While past results do not guaranty future success, Mr. Piven was always successful in recovering for his clients in his professional malpractice cases.

Class and representative actions in which Mr. Piven has served as lead, co-lead, liaison or local counsel include, among others, Baltimore Bancorp securities litigation, USFG securities litigation, Yorkridge Calvert Savings & Loan securities litigation, Maryland National Bank securities litigation, Reckson Associates Realty Company derivative litigation, Read-Rite Corporation securities litigation, Mid-Atlantic Realty shareholder merger litigation, Pan Pacific Realty shareholder merger litigation, Allied Irish Banks derivative litigation, Sprint Spectrum Cellular Telecommunications Company consumer litigation, IWIF Wiretap consumer litigation, Land Rover Group Ltd. consumer litigation, Cellular One consumer litigation, H&R Block Refund Anticipation Loan consumer litigation, Prison Telephone consumer litigation, and BlueCross/Blue Shield consumer litigation.

Mr. Piven took an active role in the prosecution of litigation relating to allegations that mutual fund investors have been victimized by directed brokerage arrangements, excessive fees, excessive commissions and deceptive sales practices or other actionable conduct. Some of the mutual fund families and brokerage firms involved in these cases that Mr. Piven was responsible for originating include: Lord Abbott, AIM/Invesco, BlackRock, Davis, Eaton Vance, Dreyfus, Evergreen, Federated, Alliance, Franklin, Hartford, MFS, PIMCO, Scudder, Columbia, Goldman Sachs, Merrill Lynch, Morgan Stanley, Salomon Smith Barney, Edward Jones, UBS, Wells Fargo and American Express. Investors in mutual fund cases initiated or led by Mr. Piven's clients have achieved a settlement with brokerage firm Edward Jones for approximately \$125,000,000, with American Express for approximately \$100,000,000, and with Merrill Lynch for approximately \$26,000,000.

Mr. Piven also directly represented the lead plaintiff(s) and/or proposed class representative(s) in approximately 25% of the 309 cases encompassed by the Initial Public Offering Securities Litigation pending in the Southern District of New York that resulted in a \$586 million settlement.

Mr. Piven also has experience in the field of ERISA class actions on behalf of former and current company employees. ERISA cases in which Mr. Piven is or has been counsel for named plaintiffs include: Aquila ERISA litigation (W.D. Mo.); General Motors ERISA litigation (E.D. Mich.); ConAgra Foods ERISA litigation (D. Nebr.); the Coca-Cola Enterprises ERISA litigation (N.D. Ga.); Fannie Mae ERISA litigation (D. D.C.); Delphi ERISA litigation (E.D. Mich.); Ford Motor Company ERISA litigation (E.D. Mich.) and the Pfizer ERISA litigation (S.D. N.Y.).

Mr. Piven is a 1975 graduate of Washington University and a 1978 graduate of the University of Miami School Of Law. During law school, Mr. Piven was a student law clerk for the late Honorable United States District Judge C. Clyde Adkins of the Southern District of Florida. Mr. Piven was admitted to the bars of the States of Florida (currently inactive) and Maryland in 1978. Mr. Piven is a member in good standing of the Court of Appeals of Maryland, the United States Court of Federal Claims, the United States Tax Court, the United States District Court for the Districts of Maryland and Colorado, the United States Courts of Appeals for the First and Fourth Circuits, and the United States Supreme Court.

BRIAN C. KERR

Mr. Kerr maintains a wide-ranging complex commercial litigation practice representing individuals and institutions in securities fraud, merger and acquisition class actions, consumer fraud, antitrust, commercial disputes, and other complex litigation. Mr. Kerr also represents art collectors worldwide on issues concerning fine art, including authenticity disputes and fraud cases. Mr. Kerr brings the skills of a courtroom advocate to each of his matters having tried cases before judges and juries.

Mr. Kerr was one of the principal trial counsel for plaintiffs in the securities fraud class action against Vivendi Universal (*In re Vivendi Universal, S.A. Sec. Litig.*, 02 Civ. 5571 (S.D.N.Y.)), where in January 2010 the jury returned a verdict that at the time had an estimated value of up to \$9 billion. Mr. Kerr has also represented: institutional investors in a securities fraud class action against Tyco International, Dennis Kozlowski, PricewaterhouseCoopers, and others (*In re Tyco Int'l. Ltd. Sec. Litig.*, MDL Docket 02-1335-PB (D.N.H.)), which resulted in combined settlements of \$3.2 billion; lead plaintiffs in a securities class action against Rite Aid, former CEO Martin Grass, and KPMG (*In re Rite Aid Corp. Sec. Litig.*, MDL Docket 1360 (E.D. Pa.)), where total settlements were \$323 million, including the then-second largest securities fraud settlement ever against a Big Four auditing firm; class plaintiffs in a securities class action against General Instrument (*In re General Instrument Sec. Litig.*, 92 C 1129 (N.D. Ill.)), which resulted in \$48 million settlement; a book publisher in a multi-million dollar defamation/breach of contract case against News Corporation (settled on confidential terms); a UK film producer in an antitrust case involving the alleged manipulation of the market for Warhol art; a US hedge fund in a shareholder derivative action arising from the collapse of Bear Stearns; and the Australis Media Group in a multi-million dollar complex commercial dispute in NY State Supreme Court against News Corp., Sony, Universal, and Paramount arising from an alleged international conspiracy to put Australis out of business (also settled on confidential terms).

Mr. Kerr has also been actively involved in pro bono efforts, including the representation of indigent prisoners in civil rights cases before the US Court of Appeals for the Second Circuit, and working extensively with Trial Lawyers Care to provide free legal assistance to the families of victims of the September 11 attacks.

In 1993, Mr. Kerr graduated *summa cum laude* with a BA in Economics from the University of Albany, where he received the Gordon Karp Prize for Excellence in Economics, was founder of the Presidential Honors Society, a member of Phi Beta Kappa, and valedictorian. In 1996, Mr. Kerr graduated from Hofstra Law School, where he was a member of the Hofstra Law Review and a Dean's Scholar. Mr. Kerr, admitted to the Connecticut Bar in 1996 and the New York Bar in 1997, is a member in good standing of the United States District Court for the Southern and Eastern Districts of New York, as well as the United States Court of Appeals for the Second and Third Circuits.

RICHARD H. WEISS

Richard H. Weiss received an A.B. degree summa cum laude from Princeton University in 1979. In 1980, he received an M.Phil. degree in international relations from Cambridge University, England. He graduated from Yale Law School in 1983. His practice focuses primarily on class actions on behalf of defrauded investors, as well as other complex civil litigation. Among his accomplishments during more than 30 years of practice, Mr. Weiss was one of plaintiffs' lead counsel in *Makor Issues & Rights, Ltd. v. Tellabs, Inc.* (N.D. Ill.), in which the United States Supreme Court established the pleading standard for all federal securities fraud cases. Currently, Mr. Weiss is one of the attorneys leading the prosecution of the Merck/Vioxx securities litigation. Mr. Weiss served for two years on the Securities Editorial Advisory Board of Law360.

Mr. Weiss is admitted to practice in New York State, the United States District Courts for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second Circuit and various other federal appellate courts, and the United States Supreme Court.

YELENA TREPETIN

Ms. Trepetin is a graduate of Tulane University Law School. While at Tulane, Ms. Trepetin was the Senior Managing Editor of the Tulane Journal of International and Comparative Law. She also served as a student attorney for the Domestic Violence Clinic. In the fall of 2005, Ms. Trepetin attended Duke University School of Law where she was a visiting Staff Editor of the Duke Journal of Comparative and International Law. Ms. Trepetin graduated magna cum laude from Brandeis University. Ms. Trepetin also studied for a year at the London School of Economics and Political Science. Ms. Trepetin's legal work experience includes clerking at the Maryland Office of the Public Defender for Baltimore County and interning for the Honorable J. Norris Byrnes and the Honorable Lawrence R. Daniels in the Circuit Courts of Baltimore County. Ms. Trepetin is admitted to practice in the State of Maryland, and she is a member of the Baltimore County Bar Association and the Bar Association of the District of Columbia.

DANIEL KUZNICKI

Mr. Kuznicki is a 2008 graduate of New York University School of Law, and he received his bachelor's degree summa cum laude in 2005. Prior to joining Brower Piven, Mr. Kuznicki's practice focused on litigation and corporate matters involving trademarks, licensing, contracts, securities and real estate, and his clients ranged from companies with annual revenue in excess of \$100 million, to individual stockbrokers, investors and attorneys. Mr. Kuznicki is admitted to practice law in the State of New York, and the United States District Court for the Southern District of New York, as well as the United States Court of Appeals for the Second Circuit.

BENJAMIN J. HINERFELD

Mr. Hinerfeld has extensive experience prosecuting securities actions including cases against Tyco International Limited; Satyam Computer Services Ltd.; Delphi Corp; Lehman Bros., as

well as their officers, directors and auditors.

Mr. Hinerfeld served as the City of Philadelphia's Deputy City Solicitor for Pensions and Investments, during which he advised the Philadelphia Board of Pensions and Retirement on investments, shareholder litigation and retirement benefits. He coordinated the Board of Pensions' efforts to implement a socially responsible investor program, which included restrictions on investments in Sudan, Iran and Northern Ireland. Mr. Hinerfeld served as defense counsel for the City of Philadelphia in class action litigation and advised the City's Finance Department on litigation related to the manipulation of LIBOR, auction rate securities and interest rate swap transactions.

He earned his J.D. from the University of Pittsburgh School of Law, where he served as Lead Note and Comment Editor of the Journal of Law & Commerce. He earned an M.A. from the University of Texas at Austin and a B.A. from Vassar College. Mr. Hinerfeld served as a judicial clerk to the Hon. Sandra Schultz Newman, the first female justice to sit on the Supreme Court of Pennsylvania.

Mr. Hinerfeld is a member of the New York, Delaware and Pennsylvania bars, the United States Courts of Appeals for the 9th and 11th Circuits, and the United States District Courts for the Southern District of New York and Eastern District of Pennsylvania.

ANDREW WILMAR

Mr. Wilmar is a graduate of Harvard Law School. While at Harvard, Mr. Wilmar was an Executive Editor for the Harvard Civil-Rights-Civil-Liberties Law Review. He was also a finalist in the Ames Moot Court Competition, and was named Best Oralist during the semi-final round. Mr. Wilmar also graduated magna cum laude from Yale University.

After law school, Mr. Wilmar clerked for the Hon. Robert L. Carter of the Southern District of New York. Since then, Mr. Wilmar has worked for some of the leading plaintiffs' class-action firms in the country. Mr. Wilmar was a key member of the litigation team in the Vivendi securities class action, where he helped plaintiffs obtain a jury verdict that at the time had an estimated value of up to \$9 billion.

KATHERINE BORNSTEIN

Ms. Bornstein received her J.D. from the Emory University School of Law and her undergraduate degree from the University of Maryland. Her practice has focused on class actions since 2004, and she has practiced with several national plaintiffs' firms, representing employees, retirees and consumers in complex class action litigation. Ms. Bornstein has served as class counsel in numerous class actions on behalf of defined contribution plan participants and has helped to recover millions of dollars to ERISA plans damaged by corporate and fiduciary malfeasance.

Ms. Bornstein is admitted to practice law in Maryland, Pennsylvania and California (inactive), as well as before the United States Supreme Court, the United States Courts of Appeal for the First,

Third, Fourth and Fifth Circuits and numerous United States District Courts including the District of Maryland, Eastern District of Pennsylvania and Central District of California.

CAITLIN M. MOYNA

Ms. Moyna graduated from Northwestern University School of Law in 2002, cum laude, where she was elected to the Order of the Coif. At Northwestern, Ms. Moyna was awarded the Arlyn Miner Award in recognition for excellence in legal writing. She also served on the Articles Board of the Journal of Criminal Law and Criminology and interned with the Honorable George C. Lindberg of the Northern District of Illinois. Ms. Moyna received her undergraduate degree in 1995 from Dartmouth College.

Prior to joining Brower Piven, Ms. Moyna was a litigator for five years at Cravath, Swaine & Moore LLP and for two years at Ropes & Gray LLP. Her experience in securities law includes: defending a Fortune 100 global media conglomerate against allegations of securities fraud and accounting improprieties in the United States District Court for the Southern District of New York, various state courts and in connection with an SEC investigation; defending a major national commercial bank against allegations of securities fraud in connection with investments in mortgage-backed securities prompting investigations by the SEC, the Department of Labor and state enforcement agencies; representing a broker-dealer in SEC enforcement proceedings; and representing two private equity companies in connection with investigations conducted by the New York Attorney General's Office concerning alleged kickbacks paid to the former New York State Comptroller.

Ms. Moyna has also successfully represented clients in intellectual property matters, including an arbitration between two leading developers and suppliers of wireless technologies relating to a worldwide patent dispute; a copyright infringement action in the United States District Court for the District of Utah, in which she defended a Fortune 500 provider and developer of information and computing technologies concerning its use of the "open source" operating system, Linux; and a trademark infringement action in the United States District Court for the District of Minnesota, which resulted in a voluntary dismissal of claims against her client, a water and power supply company.

Ms. Moyna also has broad commercial litigation experience, including: representing a health care company in the United States District Court for the Southern District of New York concerning a dispute arising out of an asset purchase agreement; representing a high net worth individual in a breach of contract action in the United States District Court for the Central District of California concerning the auctioning of rare and expensive watches by a Swiss corporation; representing a youth soccer league in the United States District Court for the Western District of Washington against an online third-party credit card payment processor and its founder for failing to remit funds owed to the soccer league; representing a major provider of cable television programming in a New York State Supreme Court action involving an altercation between boxers held at an event to promote an upcoming boxing match. Ms. Moyna has also represented an official committee of unsecured creditors in an adversary proceeding challenging the restructuring proposal of one of the nation's largest cable television providers in the United States Bankruptcy Court in the Southern District of New York.

Ms. Moyna authored a Supreme Court amicus brief on behalf of former federal judges in *Hamdan v. Rumsfeld*, arguing that the petitioner had the right to assert a separation of powers violation. Her efforts were recognized by the National Legal Aid & Defender Association when they presented the “Beacon of Justice” award to Cravath. Ms. Moyna has also authored an amicus brief in a Section 1983 case concerning the fatal shooting of an African American off-duty police officer against the City of Providence, Rhode Island which persuaded the United States Court of Appeals for the First Circuit to remand the case for a determination of whether officers were adequately trained in safe, off-duty procedures.

Prior to attending law school, Ms. Moyna was an associate at the Law and Economics Consulting Group and a research assistant in a vascular biology laboratory at the Harvard Medical School.

Ms. Moyna is admitted to practice in the State of New York and the Southern District of New York.

CHARLES NOAH INSLER

Charles Noah Insler is a graduate of Tulane University Law School. While at Tulane, Mr. Insler was a Managing Editor of the *Tulane Maritime Law Journal*. Mr. Insler graduated magna cum laude from Princeton University. After law school, Mr. Insler spent three years clerking for Magistrate Judge David D. Noce of the Eastern District of Missouri. Following the clerkship with Judge Noce, Mr. Insler served as a staff attorney for the Sixth Circuit Court of Appeals.

Mr. Insler is admitted to practice in the District of Columbia and his admission to Maryland is currently pending. He has previously been admitted to practice in Missouri (currently inactive) and Illinois (currently inactive).

MARSHALL N. PERKINS

Marshall N. Perkins practices in the firm’s consumer and securities class action, shareholder, complex professional negligence, and tort litigation areas. Additionally, Mr. Perkins is currently, or has been actively involved with, prosecuting claims on behalf of landowners in Harford County, Maryland proceeding in the United States District Court for the Southern District of New York relating to MTBE contamination; claims of computer/hardware owners for deceptive sales practices; claims of Maryland landowners for trespass by Comcast Corp. for its overhead transmission lines; and a number of complex professional negligence cases in the Maryland Circuit Courts.

Illustrative of his previous experience, Mr. Perkins has successfully represented a proposed class of tax advisory customers alleging consumer protection claims before Maryland’s highest court, see *Green v. H & R Block*, 355 Md. 488, 735 A.2d 1039 (1999); and a proposed class alleging violation of Maryland’s wiretap statute, in *Schmerling v. IWIF*, 368 Md. 434, 795 A.2d 715 (2002). Mr. Perkins’ business litigation experience includes representing the bankruptcy trustee

in several contingent litigation matters in *In re TimeWorldCom, Inc.*, Case No. 99-1-7353-PM, 905 A. 2d 842 (Bankr. D. Md. 2006).

Mr. Perkins is a 1997 magna cum laude graduate of the University Of Baltimore School Of Law, where he was a staff editor for the University of Baltimore Law Forum. Mr. Perkins graduated Phi Beta Kappa, magna cum laude, with a Bachelor of Arts degree from the University of Maryland, College Park. Mr. Perkins is a member of the Bar of the State of Maryland, as well as the Bars of the Maryland Federal District Court and the United States Court of Appeals for the Fourth Circuit.

Following receipt of his juris doctor in May, 1997, Mr. Perkins was a law clerk to the Honorable Irma S. Raker, Judge, Court of Appeals of Maryland, Maryland's highest court. Mr. Perkins' publications include: Note, *United States v. Virginia, State May Not Maintain a "Unique" Single-Sex Educational Facility Without Providing a Comparable Facility to the Excluded Gender*, 27.1 U. Balto. L. Forum 51 (1996); *Beyond the Roar of the Crowd: Victim Impact Testimony Collides With Due Process*, 27.2 U. Balto. L. Forum 31 (1997).

JESSICA SLEATER

Jessica Sleater previously served as an Assistant Attorney General for Missouri, and thereafter worked for the MTA-New York City Transit in New York. Ms. Sleater is a graduate of Saint Louis University School of Law, where she served as the Editor-in-Chief of the Saint Louis University Public Law Review. She also clerked while in law school for the U.S. Equal Employment Opportunity Commission in Washington, D.C. and in St. Louis, Missouri, the U.S. Department of Agriculture in Washington, D.C. and the Missouri Attorney General's Office. Ms. Sleater graduated with a B.A., cum laude, from Truman State University, and studied at The Ecole Azurlingua in Nice, France in 2002.

Ms. Sleater is a member of the Bar of the State of New York, the Bar of the State of Missouri and is admitted to practice in the United States District Courts for the Southern and Eastern Districts of New York.

ERIC C. LOVE

Mr. Love attended Haverford College and received his Bachelor of Science in Mechanical Engineering from the University of Maryland. Prior to joining Brower Piven in August 2007, Mr. Love worked as a legal assistant, on a contract basis, for Sidley Austin LLP in Washington, DC on the federal securities class action styled *In re Parmalat Securities Litigation*, No. 04 MD 1653 (LAK) (S.D.N.Y.). Mr. Love also worked, on a contract basis, for Fitzpatrick, Cella, Harper & Scinto and Andrew C. Levine, a sole practitioner of tax law, in New York, NY. While an undergraduate, he completed an internship at Economic Consulting Services in Washington, DC. Mr. Love has studied corporate finance and securities analysis at the New York University School of Continuing and Professional Studies. He is currently studying business at Queens College.