

NEW YORK

Local litigation firms

Highly recommended

Bernstein Litowitz Berger & Grossmann

Boies Schiller & Flexner

Cadwalader Wickersham & Taft

Cahill Gordon & Reindel

Cleary Gottlieb Steen & Hamilton

Cravath Swaine & Moore

Davis Polk & Wardwell

Debevoise & Plimpton

Freshfields Bruckhaus Deringer

Fried Frank Harris Shriver & Jacobson

Gibson Dunn & Crutcher

Hughes Hubbard & Reed

Kasowitz Benson Torres & Friedman

Kramer Levin Naftalis & Frankel

Milbank Tweed Hadley & McCloy

Patterson Belknap Webb & Tyler

Paul Weiss Rifkind Wharton & Garrison

Proskauer Rose

Quinn Emanuel Urquhart & Sullivan

Shearman & Sterling

Sidley Austin

Simpson Thacher & Bartlett

Skadden Arps Slate Meagher & Flom

Sullivan & Cromwell

Wachtell Lipton Rosen & Katz

Recommended

Anderson Kill & Olick

Chadbourne & Parke

Cooley

Covington & Burling

Curtis Mallet-Prevost Colt & Mosle

Dechert

Jones Day

Kaye Scholer

Kirkland & Ellis

Latham & Watkins

Linklaters

Mayer Brown

McDermott Will & Emery

Morrison & Foerster

Morvillo Abramowitz Grand Iason Anello & Bohrer

Nixon Peabody

O'Melveny & Myers

Orrick Herrington & Sutcliffe

Schulte Roth & Zabel

Weil Gotshal & Manges

White & Case

Willkie Farr & Gallagher

WilmerHale

Local litigation stars

Elkan Abramowitz

Morvillo Abramowitz Grand Iason Anello & Bohrer
White-Collar Crime

Floyd Abrams

Cahill Gordon & Reindel
Commercial Litigation, Intellectual Property

Guillermo Aguilar-Alvarez

King & Spalding
International Arbitration

Joseph Allerhand

Weil Gotshal & Manges
Securities

Andrew Amer

Simpson Thacher & Bartlett
Insurance, International Arbitration

David Anders

Wachtell Lipton Rosen & Katz
White-Collar Crime

Robert Anello

Morvillo Abramowitz Grand Iason Anello & Bohrer
White-Collar Crime

Bruce Angiolillo

Simpson Thacher & Bartlett
Securities

Philip Anker

WilmerHale
Bankruptcy

Joseph Armao

Linklaters
Antitrust, Securities, White-Collar Crime

Oliver Armas

Chadbourne & Parke
International Arbitration

Kevin Arquit

Simpson Thacher & Bartlett
Antitrust

Mitchell Auslander

Willkie Farr & Gallagher
Civil Litigation, Insurance

Jack Auspitz

Morrison & Foerster
Securities, White-Collar Crime

Robert Baechtold

Fitzpatrick Cella Harper & Scinto
Intellectual Property

Scott Balber

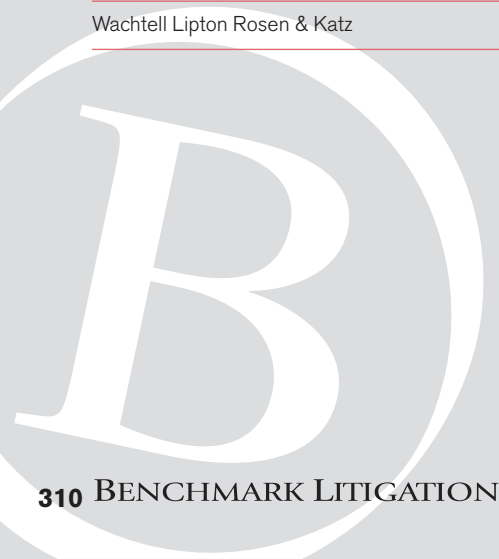
Chadbourne & Parke
Bankruptcy, Commercial Litigation, Intellectual Property, Securities

Steven Baldini

Akin Gump Strauss Hauer & Feld
Bankruptcy

Celia Barenholtz

Cooley
Commercial Litigation, Intellectual Property



Robert Baron
Cravath Swaine & Moore
Commercial Litigation, Securities

Michael Barr
SNR Denton
Appellate, Insurance, Securities

Stuart Baskin
Shearman & Sterling
Antitrust, Commercial Litigation, Securities

Thomas Beck
Sidley Austin
Intellectual Property

Mark Beckett
Latham & Watkins
International Arbitration, White-Collar Crime

Leora Ben-Ami
Kaye Scholer
Intellectual Property

Gary Bendinger
Sidley Austin
Securities

James Benedict
Milbank Tweed Hadley & McCloy
Appellate, Antitrust, Securities

Max Berger
Bernstein Litowitz Berger & Grossmann
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Barry Berke
Kramer Levin Naftalis & Frankel
White-Collar Crime

David Bernstein
Debevoise & Plimpton
Intellectual Property

Steven Bierman
Sidley Austin
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Skadden Arps Slate Meagher & Flom
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Commercial Litigation

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Antitrust, Securities, White-Collar Litigation

David Braff
Sullivan & Cromwell
Intellectual Property, Securities

David Brodsky
Cleary Gottlieb Steen & Hamilton
Securities, White-Collar Crime

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Latham & Watkins
Securities

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Securities, White-Collar Crime

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Dechert
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McKool Smith
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Mound Cotton Wollan & Greengrass
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Sedgwick Detert Moran & Arnold
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Vinson & Elkins
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White-Collar Crime

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Litigation, Insurance, Intellectual Property,
Securities, White-Collar Crime

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The Law Firm of Gregory Joseph
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Kobre & Kim
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Insurance, International Arbitration

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Antitrust, Securities, White-Collar Crime

Martin Perschetz

Schulte Roth & Zabel
White-Collar Crime

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Baker Hostetler
Bankruptcy, Securities

Robert Pietrzak

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Securities

Jonathan Polkes

Weil Gotshal & Manges
Securities, White-Collar Crime

Stuart Pollack

DLA Piper
Intellectual Property

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Securities, White-Collar Crime

Lawrence Portnoy

Davis Polk & Wardwell
Securities

William Pratt

Kirkland & Ellis
Antitrust, Securities

James Quinn

Weil Gotshal & Manges
Antitrust, Commercial Litigation, Intellectual
Property

Yvonne Quinn

Sullivan & Cromwell
Antitrust

Sascha Rand

Quinn Emanuel Urquhart & Sullivan
Bankruptcy

Barry Rashkover

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Securities, White-Collar Crime

Stephen Ratner

Proskauer Rose
Commercial Litigation, Securities

Ronald Rauchberg

Proskauer Rose
Antitrust

Alan Raylesberg

Chadbourne & Parke
Commercial Litigation

Pasquale Razzano

Fitzpatrick Cella Harper & Scinto
Intellectual Property

Roy Reardon

Simpson Thacher & Bartlett
Antitrust, Products Liability, Securities

Lucy Reed

Freshfields Bruckhaus Deringer
International Arbitration

Steven Reiss

Weil Gotshal & Manges
Appellate, Commercial Litigation

Mark Ressler

Kasowitz Benson Torres & Friedman
Commercial Litigation, Securities, White-Collar
Crime

Thomas Rice

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Commercial Litigation

Bruce Rich

Weil Gotshal & Manges
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Yosef Riemer

Kirkland & Ellis
Antitrust, Appellate, Intellectual Property

Thomas Riley

Chadbourne & Parke
Products Liability

David W Rivkin

Debevoise & Plimpton
International Arbitration

Benito Romano

Freshfields Bruckhaus Deringer
White-Collar Crime

Richard Rosen

Paul Weiss Rifkind Wharton & Garrison
Securities

Thorn Rosenthal

Cahill Gordon & Reindel
Insurance

Eric Roth

Wachtell Lipton Rosen & Katz
Commercial Litigation, Insurance, Securities

Richard Rothman

Weil Gotshal & Manges
Antitrust, Commercial Litigation, Securities

James Rouhandeh

Davis Polk & Wardwell
Securities

Aaron Rubinstein

Kaye Scholer
Antitrust, Commercial Litigation, Securities

Andrew Ruffino

Covington & Burling
Commercial Litigation

Bradley Ruskin

Proskauer Rose
Commercial Litigation

Peter Sacripanti

McDermott Will & Emery
Products Liability

John Savarese

Wachtell Lipton Rosen & Katz
Securities, White-Collar Crime

Tancred Schiavoni

O'Melveny & Myers
Insurance

William Schwartz

Cooley
Commercial Litigation, Securities, White-Collar
Crime

Richard Schwed

Shearman & Sterling
Antitrust

Philippe Selendy

Quinn Emanuel Urquhart & Sullivan
Commercial Litigation, Insurance, Securities

Robert Sentner

Nixon Peabody
International Arbitration

Karen Patton Seymour

Sullivan & Cromwell
White-Collar Crime

Samuel Seymour

Sullivan & Cromwell
White-Collar Crime

Penny Shane

Sullivan & Cromwell
Securities

Saul Shapiro

Patterson Belknap Webb & Tyler
Commercial Litigation, Securities, White-Collar
Crime

David Sheehan

Baker Hostetler
Bankruptcy, Securities

Barry Sher

Paul Hastings Janofsky & Walker
Commercial Litigation

Michael Shuster

Kasowitz Benson Torres & Friedman
Antitrust, Securities

Peter Simmons

Fried Frank Harris Shriver & Jacobson
Commercial Litigation, Securities

Deborah Skakel

Dickstein Shapiro
Securities

Howard "Peter" Sloane

Cahill Gordon & Reindel
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Commercial Litigation

Orin Snyder
Gibson Dunn & Crutcher
Intellectual Property, Securities, White-Collar Crime

William Solander
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Intellectual Property

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Antitrust, Intellectual Property

Gary Stein
Schulte Roth & Zabel
Commercial Litigation

James Stengel
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Bankruptcy, Commercial Litigation, Products Liability, Securities

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Sidley Austin
Securities

Warren Stern
Wachtell Lipton Rosen & Katz
Securities

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Mayer Brown
Antitrust

Evan Stewart
Zuckerman Spaeder
Commercial Litigation

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Milbank Tweed Hadley & McCloy
Commercial Litigation

Audrey Strauss
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Securities, White-Collar Crime

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Quinn Emanuel Urquhart & Sullivan
Appellate

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Vinson & Elkins
Commercial Litigation

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Appellate, Securities

Daniel Thomasch
Gibson Dunn & Crutcher
Commercial Litigation

Joseph Tringali
Simpson Thacher & Bartlett
Antitrust, Commercial Litigation

Michael Tomaino
Sullivan & Cromwell
Securities

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Wachtell Lipton Rosen & Katz
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Linklaters
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White-Collar Crime

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James Windels
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WilmerHale
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International Arbitration

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White-Collar Crime

Future stars

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Jonathan Bach
Cooley

John Baughman
Paul Weiss Rifkind Wharton & Garrison

Christopher Boehning
Paul Weiss Rifkind Wharton & Garrison

Gary Bornstein
Cravath Swaine & Moore

Roger Brooks
Cravath Swaine & Moore

Banks Brown
McDermott Will & Emery

Susanna Buerger
Paul Weiss Rifkind Wharton & Garrison

Timothy Cameron
Cravath Swaine & Moore

Sarah Cave
Hughes Hubbard & Reed

Andrew Ceresney
Debevoise & Plimpton

Mark Cohen
Cohen & Gresser

Robert Cote
McKool Smith

Stephen DiPrima
Wachtell Lipton Rosen & Katz

Andrew Dunlap
Kirkland & Ellis

Benjamin Duke
Covington & Burling

James Fitzpatrick
Hughes Hubbard & Reed

Salvatore Graziano
Bernstein Litowitz Berger & Grossmann

Maura Grinalds
Skadden Arps Slate Meagher & Flom

Michael Gruenglas
Skadden Arps Slate Meagher & Flom

Joel Haims
Morrison & Foerster

Claudia Hammerman
Paul Weiss Rifkind Wharton & Garrison

Beatrice Hamza Bassey
Hughes Hubbard & Reed

James Herschlein
Kaye Scholer

Daniel Jocelyn
McDermott Will & Emery

Nancy Kestenbaum
Covington & Burling

Gayle Klein
McKool Smith

John Lavelle
Sidley Austin

Gregory Loss
Chadbourne & Parke

Obiamaka Madubuko
McDermott Will & Emery

Aaron Marks
Kasowitz Torres Benson & Friedman

Joseph McLaughlin
Simpson Thacher & Bartlett

Robert Milne
White & Case

Maura Kathleen Monaghan
Debevoise & Plimpton

Jonathan Moses
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Peter Neiman
WilmerHale

Sharon Nelles
Sullivan & Cromwell

Lynn Neuner
Simpson Thacher & Bartlett

John Neuwirth
Weil Gotshal & Manges

Jeffrey Oelke
White & Case

Adam Offenhartz
Gibson Dunn & Crutcher

Steven Paradise
Vinson & Elkins

Steven Peikin
Sullivan & Cromwell

Daniel Perry
Milbank Tweed Hadley & McCloy

Brian Polovoy
Shearman & Sterling

Daniel Reisner
Kaye Scholer

William Russell
Simpson Thacher & Bartlett

Daniel Ruzumna
Patterson Belknap Webb & Tyler

William Savitt
Wachtell Lipton Rosen & Katz

Christopher Shore
White & Case

Adam Siegel
Freshfields Bruckhaus Deringer

Gerald Silk
Bernstein Litowitz Berger & Grossmann

Randi Singer
Weil Gotshal & Manges

Sung-Hee Suh
Schulte Roth & Zabel

Michael Swartz
Schulte Roth & Zabel

Timothy Treanor
Sidley Austin

Geoffrey Vance
McDermott Will & Emery

Charles Weir
McDermott Will & Emery

Aric Wu
Gibson Dunn & Crutcher

Jonathan Youngwood
Simpson Thacher & Bartlett

New York

New York, and New York City in particular, remains the nerve center for litigation not only on the east coast, but also arguably in the United States. Every national firm maintains a presence here, as do several internationally headquartered firms, and the city's positioning as one of the global epicenters for financial institutions and publicly traded companies ensures that it will continue to see a healthy volume of litigation of every stripe. Additionally, an increasing number of firms headquartered and well established in neighboring states, and even some from far-flung locales such as the Midwest and the Southeast, have made inroads into setting up shop in New York, with varying degrees of success.

Highly recommended firms

Bernstein Litowitz Berger & Grossmann
Plaintiff “powerhouse” Bernstein Litowitz Berger & Grossmann is unique in that it is not only one of the most successful contingency fee plaintiff firms, with many record-setting verdicts and settlements to its credit, but it is also one of the only plaintiff firms to be almost uniformly praised by past and present opponents on the defense side; peers on both sides of the aisle refer to the firm as “premier,” “preeminent,” or “the cream” in its contingency fee securities fraud capacity. One defense lawyer even goes so far as to say, “Bernstein Litowitz has distinguished itself by not only staying levels above many of the other plaintiff firms who just take ‘cheap shots’ but also by putting forth some really compelling arguments. They’ve given firms twice their size a run for their money.” Clients also offer praise, with one confirming that the firm was chosen as counsel due to its “wealth of experience and sterling reputation.” The firm recently logged a victory on behalf of client Ontario Teachers Pension Plan Board, when, in July 2011, the former directors and officers, auditor, and stock underwriters of Washington Mutual agreed to pay \$208.5 million to settle securities fraud charges that they misled investors before the bank holding company collapsed in September 2008.

Max Berger, acknowledged as “the sage” by peers, is still the most recognizable name at the firm and its “senior statesman.” However, attention is being increasingly drawn to younger partners **Gerald Silk** and **Salvatore Graziano**. “Max still provides expert guidance there, but Jerry and Sal are going to be the dangerous new breed in the not-too-distant future,” surmises one peer.

Boies Schiller & Flexner

Formed in 1997, Boies Schiller & Flexner has etched itself a maverick image within the crowded field of New York litigation workshops. Housing over 200 lawyers in its three locations within the state, the firm reinforces its uncompromising stance by remaining headquartered in Armonk, as opposed to New York City, although it does

maintain a New York office, as well as one in Albany. The firm benefits from its unique position of straddling both plaintiff and defense work, with cases on opposite sides of the aisle often in the same month. Examples of this flexibility include the firm’s securities fraud claims on behalf of plaintiff Starr International against Chinese MediaExpress, and the firm’s successful defense of a securities fraud matter on behalf of Goldman Sachs in a case in which the plaintiffs sought \$1 billion in claims. Both of these cases made headlines in July 2011.

For a firm that came into existence relatively recently, Boies Schiller’s footprint has mushroomed at astonishing levels, and it’s no secret within the litigation community that this rests almost entirely on the shoulders of seemingly ubiquitous name partner **David Boies**, who elicits a staggering amount of recognition from peers from every corner of the US. “David Boies is everywhere, all the time,” observes one peer, who goes on to say, “He brings in an unparalleled level of work, and he seems stretched so thin I can’t help but wonder how he keeps up!” Perhaps the answer to that rhetorical observation comes from another peer, who offers, “Boies is extremely crafty, very strategic as to his involvement in the cases. He also takes chances, some involving huge risks, that manage to consistently pay off.”

Cadwalader Wickersham & Taft

With over 200 years of experience, Cadwalader Wickersham & Taft is one of the oldest firms in New York. “This is an historic firm,” observes one peer. While an Empire State institution, it also maintains offices in Washington DC, Beijing, London, Charlotte, and, as of 2011, new offices in Houston and Brussels. The firm handles a variety of antitrust, commercial and securities litigation cases and recently redefined its focus on financial services and intellectual property litigation. Its New York office got further shots in the arm in March 2010, when it added three former Proskauer Rose partners, including litigation star **Louis Solomon**, and in 2011, when the firm enhanced its DC presence with the addition of antitrust star Peter Moll, late of the now-defunct Howrey.

Within the firm, litigation department chairman **Gregory Markel** commands brand-name status for his antitrust, securities, and commercial litigation practice. In addition to being chief litigation counsel for Pfizer, Markel also currently represents UBS in a \$686 million dispute against Highland Capital Management, which recently survived a motion to dismiss when a New York judge found allegations that Highland Financial participated in a scheme that enabled its affiliates to avoid making required payments to UBS were legitimate. “Greg Markel is the heavy hitter at Cadwalader,” asserts a peer. However, **Jason Halper** also receives recognition. Halper, along with Markel, is defending Bank of America and its LaSalle Bank subsidiaries in pending litigation relating to breach of certain representations and warranties in connection with the origination, underwriting, or closing of commercial mortgage-backed securities.

Cahill Gordon & Reindel

Cahill Gordon & Reindel’s New York headquarters remains a force to be reckoned with. Peers ascertain that “Cahill is still bringing it home” within the areas of general commercial litigation, securities, antitrust, and insurance. “They’ve got talent on all levels – from senior statesmen to rising stars.”

Representing the “senior statesmen” category, **Floyd Abrams** is universally regarded as an authority on First Amendment law, litigating highly publicized matters before the US Supreme Court and helping shape national media policy. With clients that include the largest publishers and broadcasters in the world, Abrams is still considered one of the most influential attorneys in his field. Securities litigator **Tom Kavalier** represented the Bank of New York in litigation brought by investment fund Bluebird Partners after its purchase of Continental Airlines trust certificates, for which the client serves as Collateral Trustee. The litigation concerns a \$28.6 million litigation reserve fund established by the client in anticipation of claims for legal defense costs by other certificate trustees and their counsel who had been targets of prior litigation brought by Bluebird. Bluebird alleged that the creation and size of the litigation reserve fund diminished and delayed distributions to the certificate holders. Commercial and securities litigator **Jonathan Thier** is commended by peers for being “spot-on and perfect at sizing up a case early.” Thier is currently representing Time Warner Cable in ongoing class-action litigation concerning frustrations with Time Warner’s internet service. Former future star **Penny Windle** has “made the big leagues” according to peers, one of whom exclaims, “She is a star now, she’s got it!”

Cleary Gottlieb Steen & Hamilton

Cleary Gottlieb Steen & Hamilton has

established itself as a top-tier national firm and has grown into an international powerhouse over the past 63 years. Headquartered in the financial district of New York City, the firm is distinguished by its impressive securities and financial services practices, and its international arbitration capacity is also earning an increasing amount of recognition. Cleary Gottlieb made headlines several times in July of 2011; early in the month, firm lawyers were successful on appeal of blocking access to hundreds of millions of dollars of assets that holders of Argentinian bond notes were attempting to collect on in the wake of the country's default on these bonds over 10 years ago, and in the last week of July, the firm also triumphed on behalf of HSBC by extricating the bank of over \$6 billion in claims brought by Bernard

Barron was leaving the firm to become in-house counsel at Morgan Stanley, and the official retirement of Paul Saunders in 2011.

These departures, however, have done little to erode Cravath's prestige, peers still are of the opinion that "They have a stable of white-hot talent over there." Among that talent, **Evan Chesler**, whose name is almost unanimously uttered by peers (and usually followed by "of course"), serves as lead counsel in antitrust, commercial and securities cases, and his A-list client base reads like a "who's who" of leaders in their respective industries, including Alcoa, Morgan Stanley, Merck, Novartis, and Qualcomm. One peer speculates "Now, if Evan left Cravath, that would be a problem for them." However, peers are also quick to offer acclaim for other partners, including

“A peer offers, ‘David Boies [of Boies Schiller] is extremely crafty, very strategic as to his involvement in the cases. He also takes chances, some involving huge risks, that manage to consistently pay off.’”

Madoff's liquidation trustee, alleging that HSBC enabled Madoff's Ponzi scheme.

Thomas Moloney, a seasoned securities litigator, was responsible for the HSBC victory, and peers have been acknowledging his acumen even prior to the recent decision in that case. **Lewis Liman** was frequently namechecked in the news throughout 2009 and 2010 for negotiating with the SEC on behalf of Bank of America and defending the bank against allegations that it lied to investors by failing to disclose the \$5.8 billion it had agreed to pay to Merrill Lynch executives before it bought Merrill in September 2008. White-collar and securities lawyer **David Brodsky** has also been tackling limelight-grabbing matters, including the Audit Committee investigation of Deutsche Bank regarding questionable investigative and surveillance activities originating in the bank's corporate security department, and advising hedge fund Galleon in the investigation of allegations of its engagement in insider trading.

Cravath Swaine & Moore

Since its formation almost two centuries ago, Cravath Swaine & Moore still has only one office in New York and another in London. Its reputation, however, is virtually unassailable. Praise for the firm is almost unanimous, with peers calling Cravath "a gold-standard Wall Street firm," and "the definitive white-shoe workshop." The firm's team of brand-name litigators has been trimmed over the last year, with the unfortunate early 2010 death of senior partner Robert Joffe, the July 2010 announcement that superstar litigator Francis

Sandra Goldstein, who, in representing Barnes & Noble in a challenge to a poison pill adopted by the company in November 2009, successfully argued on the client's behalf before Delaware Supreme Court in March 2011; **Robert Baron**, who handles securities, alien tort, and trade secrets litigation matters; and securities litigator **Richard Clary**, who one peer champions as "a terrific litigator, one of the most talented adversaries I've faced."

Davis Polk & Wardwell

Davis Polk & Wardwell enjoys a stature as one of the most celebrated of New York firms, and many peers consider the firm a yardstick against which to measure their own success. While its diverse practice portfolio has grown to include bankruptcy, products liability, and intellectual property, the firm is best known for its work in antitrust, general commercial litigation, securities and white-collar crime. Although Davis Polk saw the departure of Denis McInerney in early 2010, and the official retirement of white-collar "legend" Robert Fiske in 2011, peer opinion of its New York bench confirms that it remains a "stacked deck" of often-mentioned litigators. Clients also chime in with their support, with one crowing, "We look for the highest quality attorneys at a firm that has proven experience and that has retained a deep and broad bench, and that's why we look no further than Davis Polk."

Antitrust, commercial and securities star **Arthur Burke**, who works out of the firm's California office as well as New York, is commended by clients for his "intellectual ability, litigation experience and knowledge,

and creative problem-solving solutions." This same client applies the same praise to **Michael Carroll**, and goes on to say that "Between Arthur and Michael, we believe we are getting the most capable attorneys available." Carroll has within the last 12 months successfully represented Comcast in connection with a discrimination action filed by Tennis Channel before the FCC, as well as representing PricewaterhouseCoopers nationwide in all of its civil litigations and investigations relating to the Bernard Madoff Ponzi scheme. **James Windels** is working with Carroll on these, as well as handling separate matters for PwC concerning options backdating.

Debevoise & Plimpton

Debevoise & Plimpton maintains a commanding presence on the global stage from its New York headquarters. The firm's securities enforcement and white-collar crime practices garner special attention from peers, and its international arbitration capacity is seen by peers as "not the gold standard – it's the platinum standard. No other firm comes close to Debevoise for this." The firm's global approach receives equal acclaim from clients, one of whom enthuses, "Based on my experience, Debevoise is my first choice for any future large international arbitration matter."

Litigation chair **Mary Jo White** carries a monster presence in the white-collar crime arena. "Mary Jo has to be at the top of any list," says a competitor. "She is a force of nature." The independent directors of News Corporation recently retained White and former US Attorney General **Michael Mukasey** to represent them in the alleged UK phone-hacking and police bribing incident. **Andrew Ceresney** is viewed as White's future successor as the firm's top white-collar crime lynchpin. He represents clients in criminal, civil and Securities and Exchange Commission enforcement matters, with a particular focus on securities-related and money laundering matters for financial institutions. "I hear great things about Andrew Ceresney," says a peer. "He is a rising star." He currently represents JPMorgan Chase and its affiliated companies in connection with regulatory inquiries concerning its home lending business. **Donald Donovan** concentrates his practice on international disputes before courts in the US, international arbitration tribunals and international courts. **David W Rivkin** handles international litigation and arbitration matters out of the firm's New York and London offices.

Freshfields Bruckhaus Deringer

One of the "Magic Circle" firms headquartered in the United Kingdom, the New York outpost of Freshfields concentrates primarily on the antitrust and securities practices, and boasts an international arbitration presence that peers

consider “undeniable.” The firm further bolstered its domestic litigation presence when it added three new partners to its New York office in 2010: Marshall Fishman, formerly of Kramer Levin Naftalis & Frankel, Walter Stuart, formerly of Vinson & Elkins, and David Onorato, former in-house counsel at Bank of America. All three possess illustrious backgrounds in litigation at their previous posts, and are currently attending to sizeable litigation matters at Freshfields. One peer asserts, “I know all three of these guys, and you should definitely be hearing more about them in the near future.”

Onorato represented RBS in cross-border litigation in London and Dallas arising out of the sale of the Liverpool Football Club to the owners of the Boston Red Sox, in which RBS obtained injunctions prohibiting the Club’s former owners from interfering with the sale. Namechecked litigation star **Aaron Marcu** worked with Onorato on this matter, and Marcu is also representing the former CEO of UBS’s wealth management business in criminal and SEC investigations arising from an alleged scheme to assist thousands of US taxpayers in evading their US income tax obligations. Within the firm’s international arbitration unit, **Lucy Reed** is widely recognized as “very smart, very attractive to clients, very sharp and hard-working.” Peers go on to mention that “She commands a good team in New York and is definitely a leader in the field.” Reed, along with fellow international arbitrator **Brian King**, is representing the Government of Turkey in the defense of three separate arbitrations brought under the Energy Charter Treaty by Cypriot/Polish companies alleging the expropriation of an investment they claim to have made in the power sector in Turkey.

Fried Frank Harris Shriver & Jacobson

Fried Frank Harris Shriver & Jacobson plays an instrumental role advising on the matters that shape Wall Street’s financial infrastructure. The firm has thrived during and after the financial crisis, deploying its expertly trained complex commercial lawyers, mergers and acquisitions experts and white collar team to navigate high-stakes matters on behalf of global Fortune 500 companies, national banks, broker-dealers, hedge funds, reinsurance companies, municipal bond insurers and high profile directors and officers in a range of industries.

Litigation department chair **William McGuinness** handles commercial litigation, including securities and intellectual property. A peer enthuses, “I like him.” **Audrey Strauss** represents institutions and individuals in white-collar criminal defense and regulatory matters. She is representing numerous partners at “Big Four” accounting firms in SEC investigations with respect to audit-related conduct and independence issues. Peers are all in accordance that “Audrey is the big name over there and on the enforcement and white-collar scene in

general. She is talented and well respected.” **Douglas Flaum** is noted for representing several major financial institutions. In one of the past year’s most eye-catching decisions, he artfully convinced a Manhattan federal judge to dismiss a \$109 billion shareholder suit against client Wells Fargo in connection with its purchase of Wachovia and its mortgage portfolio in 2008. **Israel David** played a key role in the Wells Fargo case with Flaum. Although several billion dollars in bondholder claims survived the motion and remain on the table, the dismissal of the shareholder claims was clearly a triumph for Wells Fargo and the Fried Frank team.

Gibson Dunn & Crutcher

Gibson Dunn & Crutcher is seeing its star rising in virtually all jurisdictions in which it operates. Litigators in the firm’s New York office have been at the forefront of some very high-profile and hotly contested litigation matters, with their services called upon by some of the world’s most recognized clients. Fortifying what was already considered a crackerjack litigation team, the New York office benefited even further with the recent addition of products liability star **Daniel Thomasch**, late of Orrick Herrington & Sutcliffe.

Randy Mastro commands respect for being a “brilliant and effective” litigator who “always brings a fresh perspective and will fight you to the end.” One peer even jokes, “You do not want to meet Randy down a dark alley. But you REALLY don’t to meet him in a lighted courtroom.” Mastro has been guiding Chevron through a massive and contentious battle with the Republic of Ecuador concerning Ecuador’s insistence that Chevron is culpable for the polluting of the Amazon Basin. In the latest stages of nearly two decades worth of litigation, Mastro has repeatedly triumphed on Chevron’s behalf by proving that the waste was actually due to negligence on the part of Texaco, long before Chevron purchased that company, and that Chevron had since adequately provided for a reasonable share of the cleanup costs. In the most recent development, Mastro was able to uncover damning new evidence in the form of outtakes of a film documentary on the subject, which exposes many of Ecuador’s claims as being fraudulent. Intellectual property and media litigator **Orin Snyder** is also acknowledged for his expanding technology and entertainment client base that includes household names like Apple, Google and Facebook. “Orin’s got very trendy clients,” observes a peer.

Hughes Hubbard & Reed

Hughes Hubbard & Reed offers sophisticated legal services to a diverse group of businesses and professional communities across the US and abroad. The firm’s New York headquarters enjoys an elevated profile on the strength of some impressive litigation matters, and praise for the firm is robust

from peers and clients alike. One client offers a particularly glowing accolade: “All lawyers in this firm treat us as if we are their most important client, even though we know we’re not. They are extremely talented in their profession or specialty, and they as individuals all possess integrity, ethics and the ability to work with you to solve issues.” The firm made news twice in June 2011 with two partial victories: one on behalf of IndyMac by blocking additional investors from entering into securities fraud claims against the client, and the other on behalf of Dairyland Power Cooperative, a nuclear plant operator that sued the US government for failing to make good on its contractual obligation to develop a plan to dispose of nuclear waste. Dairyland claimed \$37 million in damages, and was awarded \$25 million.

Theodore Mayer is recognized as a “products liability king” who, in 2009, negotiated a \$180 million settlement on behalf of Merck with third-party payers in 190 suits involving the painkiller Vioxx. Competitors also recognize **William Maguire** for his representation of James Giddens, the Trustee in the SIPA liquidation of Lehman Brothers’ North American broker-dealer subsidiary, in litigation with Barclays Capital over Barclays’ purchase of \$47 billion of assets from Lehman in September 2008. The firm is also noted for having a thriving degree of talent at the “next-generation” level, including international arbitration star **John Fellas** and future star **Beatrice Hamza Bassey**, securities future star **Sarah Cave**, and intellectual property future star **Jim Fitzpatrick**.

Kasowitz Benson Torres & Friedman

Kasowitz Benson Torres & Friedman continues to have the litigation community talking, and peers remain sharply divided in their opinions of its courtroom tactics. Some disdain the firm’s “rogue” approach, while an equally vocal contingent insists the firm operates the way all true trial lawyers should: “Kasowitz could teach a lot of other litigators a thing or two, about backbone and about strategy. The proof of the pudding is that they are delivering the goods, and those who don’t like them frankly probably feel that way because Kasowitz scooped clients or partners from them,” opines one peer. The firm enjoys success with what’s considered, by New York standards, an unconventional model of being strictly litigation-focused, juggling plaintiff and defense work. The firm is also bolstering its intellectual property capacity, having recently poached a team of IP litigators from Sutherland Asbill & Brennan in Georgia.

Name partner **Marc Kasowitz** is a commercial trial lawyer who, while either revered or reviled by peers, has been actively courted by the media and uniformly praised by clients. “Marc is a superb advocate. While settlements are sometimes unavoidable, with Marc representing you, you at least know

you can go to trial if necessary.” Kasowitz leads a team representing Fairfax Financial in a case arising out of an attack on Fairfax by a group of short-selling hedge funds, for which Fairfax is seeking \$6 billion in damages for harm suffered as a result of the attack. The trial is set for late 2011. **Mark Ressler** is representing Bayerische Hypo Und-Vereinsbank, a German financial institution, in several litigation matters. Other notable mentions are insurance litigator **Randy Paar**, commercial litigator **Michael Shuster**, and future star **Aaron Marks**.

Kramer Levin Naftalis & Frankel

With its New York headquarters serving as its only domestic office, Kramer Levin Naftalis & Frankel has garnered a solid reputation for its portfolio of general commercial litigation, white-collar enforcement, and intellectual property matters, at the trial and appellate levels. The firm, and in particular, white-collar veteran **Gary Naftalis**, was thrust into the headlines in 2011 when it was announced that Naftalis would be representing Rajat Gupta, the former McKinsey Company managing director who has been indicted for aiding and abetting insider trading in the Galleon scandal. Gupta is the only individual out of the 28 sued to date that has been ordered to appear before an SEC proceeding rather than a standard federal trial, and Naftalis is actively petitioning to get the trial venue moved.

Peers and clients alike continue to champion Naftalis' experience and demeanor, with the commonly held view being that “everybody knows him, and what’s more, everybody likes him.” At the same time, peers also acknowledge that Kramer Levin “has done a great job shifting the mantle” at the trial level to **Barry Berke**, who peers observe “is becoming the go-to guy for white-collar trial work,” and at the trial and appellate level to **Michael Dell**, who earns resounding praise and boasts a client roster that includes Deloitte & Touche among others. Peers also recommend **Harold Weinberger** for his deftness in dealing with false advertising and Lanham Act matters, including obtaining one of the largest false advertising verdicts ever on behalf of PBM Products in a March 2010 decision that found Mead Johnson liable for falsely claiming that its Enfamil infant formula provided superior nutrition compared to store brand infant formula manufactured by PBM.

Milbank Tweed Hadley & McCloy

The New York office of Milbank Tweed Hadley & McCloy offers clients a full range of domestic and international financial legal services. Tracing its roots back to 1866, the firm also operates domestic locations in the key markets of Los Angeles and Washington DC, as well as eight offices throughout Europe, Asia and South America. The firm recently successfully represented Citigroup and JPMorgan Chase in an action involving

tort and fraudulent transfer claims against various lenders and investment banks that entered into credit agreements with or underwrote securities issued by Adelpia Communications. The plaintiff alleges these bank defendants aided and abetted officers and directors of Adelpia in fraudulent activity and in breaches of fiduciary duty, and initially sought over \$5 billion in damage claims. Milbank prevailed on motions to dismiss the vast majority of the claims pending against its clients.

Securities heavyweight **James Benedict** continues to reap the bulk of the recognition as one of the figureheads at the firm, but peer feedback is on the rise for other firm players as well, most notably **Scott Edelman**, who, in addition to appearing as lead partner on the aforementioned Adelpia case, also represents Marc Kirschner, a trustee of the

Gregory Diskant and **Steven Zalesin** represented Johnson & Johnson’s subsidiary, Centocor, in an arbitration the client brought to regain distribution rights to the drugs Remicade and Simponi, which have been granted to Schering via a distribution agreement but entitled Centocor to regain the rights if Schering underwent a change of control, which did occur when Merck acquired Schering in 2009. The case was tried to an arbitration panel in October 2010, and in April 2011, Merck agreed to return exclusive distribution rights to the client in certain specified countries.

Paul Weiss Rifkind Wharton & Garrison

Paul Weiss Rifkind Wharton & Garrison continues its enviable reign as the firm to beat in the New York market. Unanimous peer support keeps the firm’s sterling reputation

“One peer jokes ‘You do not want to meet Randy Mastro [of Gibson Dunn] down a dark alley. But you REALLY don’t to meet him in a lighted courtroom.’”

Refco Litigation Trust, in pending litigation in which Kirschner alleges that various entities and individuals associated with the private equity firm that controlled Refco following a 2004 leveraged buyout breached their fiduciary duties to Refco by ignoring numerous red flags indicating that Refco was engaged in substantial fraudulent activity. Kirschner seeks \$1 billion in damages, and the trial is set for later in 2011.

Patterson Belknap Webb & Tyler

Patterson Belknap Webb & Tyler has crafted itself a litigation presence that is composed of “consistent quality.” Elaborating further on this, one peer offers, “You’d be tempted to call Patterson Belknap ‘boutique’ but unlike most boutiques, which involve a one-star system around which the lesser ‘satellite’ lawyers revolve, this firm has quality across its entire bench.” The firm has especially enjoyed success in niche areas like intellectual property and antitrust, and, thanks to the rising profile of future star **Daniel Ruzumna**, it is also coming into its own in the white-collar crime enforcement area.

Robert LoBue has been involved in several other newsworthy matters as well over the past year, including representing Wells Fargo and Wachovia against massive antitrust claims concerning credit card fees, which could, if upheld, radically change the structure of these processing fees. LoBue’s prowess is supported by client feedback; one satisfied client says, “If you want someone who’s going to waste your time, look elsewhere. Bob LoBue gets it done – he does not start bumbling around willy-nilly and does not cower behind a fortress of excuses.”

aloft, and one competitor bluntly states, “They don’t always win, it just feels like they do.” Clients are not short on acclaim for the firm either, with one candidly issuing, “Paul Weiss is involved in some of the most high-stakes, cutting-edge litigation to be found anywhere. And we should know – we’re the ones bringing it to them!” Another client goes on to enthuse, “If I have a bet-the-company case on my hands, I’m not calling anyone but Paul Weiss. And why? Because of their depth. No matter who is handling my case, I can be sure it will be done so with the utmost finesse.”

Brad Karp receives a generous amount of commendation for his defense of financial institutions and corporations in complex securities and commercial matters, as well as his representation of financial institutions and other clients before the SEC. Karp’s impressive roster of plum clients includes Citigroup, who Karp recently managed to clear of \$7 billion worth of claims lobbed against it concerning a dispute over Citigroup’s involvement in the equity transaction of music company EMI. **Mark Pomerantz** also generates a healthy level of peer mentions and he, along with Karp, has also been attending to high-profile matters for Citigroup as well as Bank of America. Securities and commercial future star **Claudia Hammerman** is referenced as a “brilliant strategist,” and once again, **Theodore “Ted” Wells** receives unanimous and exuberant peer reverence for possessing “so many essential trial lawyer traits: charm, polish, persuasive arguments, and a magnetic charisma. Many want to hang with Ted Wells, but few can.”

Proskauer Rose

Within the last year, Proskauer Rose's New York office has seen a move to a new address with upgraded facilities and has also seen a rising profile; peers acknowledge various partners throughout the firm's many practice areas, and clients chime in with praise for the firm's overall litigation prowess. One satisfied client confirms, "Proskauer lawyers combine depth of experience, creative problem solving, superior responsiveness and a clear result-oriented focus." The firm boasts a broad and diverse client roster that includes everything from business community mainstays like investment banks to household names like Lady Gaga, Pepsi, Major League Baseball Properties, and other A-list celebrities, sports figures and brands. Another client raves, "They are prompt and thoughtful in their interactions with the client and all have an extraordinary work ethic. They also work tirelessly to keep client costs down."

Commercial litigator **Gregg Mashberg** receives client comment as "a think-outside-the-box strategist who provides excellent customer service." **Stephen Ratner** receives numerous peer mentions for his interdisciplinary and regulatory work for financial institutions. Within the last 12 months, he is responsible for triumphing on behalf of Prudential Financial in a massive securities class action. Antitrust, securities, and appellate litigator **Robert Cleary** represents the former CFO of Lehman Brothers in a series of ongoing investigations by regulatory and enforcement authorities focused on the demise of Lehman Brothers, as well as in numerous private civil actions arising from Lehman's collapse. **Lawrence Weinstein** and **Brendan O'Rourke** actively pursue matters concerning trade secret, false advertising and Lanham Act claims, and a client offers, "Brendan and Larry are very business-focused and client-savvy. They work hard on cases given and care a lot about the business relationship. Larry is very eager and bright, and Brendan is easy to work with – meets deadlines and doesn't overspend."

Quinn Emanuel Urquhart & Sullivan

Litigation-only juggernaut Quinn Emanuel Urquhart & Sullivan has left an indelible stamp on the New York market, much to Wall Street's chagrin. Litigators reference the firm on an almost unanimous basis, and one even concedes, "I think I speak for several lawyers when I say that I often go to sleep hoping that when I wake up, Quinn Emanuel will just go away. Of course when I do wake up, they're in my face and seem stronger than the day before." With no corporate practice, the firm has freed itself to sue financial institutions with unprecedented gusto. However, the firm does also conduct defense work for certain select institutional clients as well.

Kathleen Sullivan is revered as an "appellate superstar." Sullivan spearheaded

an important victory for Wyeth in the US Supreme Court, which held that a federal statute preempts state law causes of action based on theories of defective design in governmentally approved child vaccines. Appellate, securities, and white-collar specialist **Faith Gay** was also involved in this case, and Gay continues to draw her own peer recognition for being "a zealous warrior." Securities specialist **Peter Calamari** has been representing MBIA in its pursuit of litigation against Countrywide and other banks that issued toxic mortgage loan instruments. Also acting as counsel to MBIA is **Philippe Selendy**, who is commended by peers for being "really intellectual, a perfect complement to, and atypical of, the 'street fighter' style of other Quinn lawyers."

Another securities litigator, **Michael Carlinsky** counts AIG among his clients, and in August 2011, he led the client in a \$10.5 billion suit against Bank of America, alleging that the bank misrepresented the quality of underlying loans and violated underwriting standards when it coaxed AIG to invest \$28 billion in nearly 350 ill-fated mortgage-backed bonds.

Shearman & Sterling

While a full-service firm, Shearman & Sterling is respected most for its high-level appointments to matters of the securities and white-collar and FCPA enforcement variety. The firm has been a news presence since it was plucked to counsel the Galleon hedge fund in ongoing criminal and civil litigation following a widely reported, headline-grabbing insider trading scandal, perhaps the largest of its kind, which led to managing partner and founder Raj Rajaratnam's arrest in October 2009. Most recently, in March 2011, the Supreme Court granted Shearman & Sterling's motion to dismiss a suit filed by a former investor relations executive at Galleon. The plaintiff, who had been laid off along with most Galleon employees after the insider trading cases were filed, sought to recover significant bonus payments and other compensation allegedly guaranteed to him.

The Galleon matters have been primarily attended to by Litigation Group leader **Stephen Fishbein**, who is namechecked as "the top FCPA practitioner outside of Washington," and by securities and white-collar star **Adam Hakki**, to whom a growing number of peers are giving the nod as "the real new force at Shearman now." **Stuart Baskin** continues to be recognized as "big time!" by his peers, and practices mergers and acquisitions litigation, securities litigation, bank regulatory and antitrust matters. **Herbert Washer** concentrates on the defense of matters involving securities, derivatives and commodities. He represents a major Swiss bank, as well as an executive at the bank, in connection with several criminal and regulatory investigations into its involvement in the collateralized debt obligations and credit default swap markets.

Sidley Austin

Chicago-based Sidley Austin has been expanding its New York footprint of late, with an ever-swelling stable of recognized talent. A recent coup for the firm was its poaching of Utah transplant and antitrust and securities heavyweight **Gary Bendinger** from the doomed Howrey in December 2010. "Gary is a first-class guy, [he has] a lot of know-how and common sense that is only acquired through experience. He cuts through the bull, you'll know if you have a case with him," commends an enthusiastic peer. Bendinger did not arrive alone; Gregory Ballard and Kevin Burke also jumped Howrey's sinking ship along with Bendinger, migrating an established and formidable team to Sidley's New York outpost.

Several New York-based Sidley partners have cultivated a niche in attending to matters involving the robust emerging market of China. **Robert Pietrzak** represents Merrill Lynch and UBS Securities in a pending securities class action brought in the Southern District of New York by investors in the \$1 billion initial public offering of American Depositary Shares issued by a Chinese online game developer. Working with Pietrzak on this matter is **Andrew Stern**, who is tipped by peers for "making a name for himself." Stern has several other high-profile litigation appointments to his credit, including representing the Bear Stearns entities in an adversary proceeding pending in the Bankruptcy Court for the District of Delaware against claims arising from the termination of repurchase transactions in complex mortgage-backed securities. Antitrust lawyer **Joel Mitnick** is representing the Ministry of Commerce of the People's Republic of China in a class action alleging a price fixing conspiracy in China by four manufacturers of Vitamin C, pending in the Eastern District of New York.

Simpson Thacher & Bartlett

Simpson Thacher & Bartlett commands a formidable degree of recognition and acclaim from peers who describe the firm as "consistently terrific, jam-packed with talent" and note that it has "particular strength in securities and insurance." The firm earns rave reviews from clients as well. "We aimed to have the best possible assistance," says a client. "We would certainly use Simpson Thacher again for our most sensitive and complex issues."

Barry Ostrager is roundly acknowledged by his peers for his acumen and in securities and especially in insurance. A peer confirms, "Barry's senior status catches many younger opponents off guard. They think they can whip him, and they find out the hard way that they're wrong – Barry's still a demon litigator." Ostrager recently represented a relation to the king of Jordan in a contract dispute against a former partner who allegedly secured lucrative US defense contracts and subsequently swindled the

client out of a third of the profits their company that were earned from these contracts. In July 2011, Ostrager secured a \$28.8 million verdict for his client. **Michael Chepiga** is revered for his prowess in securities litigation, class actions, derivative actions, and corporate control litigation. Chepiga represents present and former officers and directors of Lehman Brothers in connection with a number of actions concerning the collapse and eventual bankruptcy filing of Lehman Brothers, including putative securities and ERISA class actions. Often-mentioned securities “lynchpin” **Bruce Angiolillo** heads a team representing affiliates of The Royal Bank of Scotland in a variety of actions pending in federal or state courts pertaining to the sale of billions of dollars in securities issued in connection with the securitization of residential mortgage-backed securities.

Skadden Arps Slate Meagher & Flom

The New York headquarters of Skadden Arps Slate Meagher & Flom remains one of the city’s largest firms and most familiar names among the legal community. “Skadden continues to impress,” observes a peer. The litigation capacity of the New York office made news twice in July 2011 when it obtained the dismissal of the last of 10 years’ worth of cases against Citigroup alleging that plans offered by the client and its subsidiary violated labor laws by forcing some participants to forfeit unvested shares, and any wages they would have received instead of those shares, if they quit the company before the two-year vesting period.

Jay Kasner continues to draw praise from peers for his “awesome securities talent and enviable book of clients.” Kasner has represented or is representing Merrill Lynch and Bank of America in securities, derivative and ERISA-related litigation; Deloitte & Touche in class-action litigation arising out of subprime-related issues at American Home Mortgage; more than 50 underwriters of more than 40 offerings of Citigroup securities in securities class-action litigation; the underwriters of multiple offerings of securities of Deutsche Bank AG and Barclays plc.; and the former CEO of Bear Stearns in litigation relating to such issues. Working with Kasner on several of these cases is **Scott Musoff**, about whom a peer offers, “Essentially if there’s a financial litigation that comes out well at Skadden, it’s going to be largely because of Scott. He may not be the first guy on the shortlist like Kasner but he’s doing a lot of the legwork, and it’s top-notch work. He’s done great work for Merrill and gotten them out of a number of major matters.”

Sullivan & Cromwell

The New York office of Sullivan & Cromwell draws praise from the legal community on a nationwide basis and across a wide spectrum of practice areas, including antitrust,

securities, white-collar, and international arbitration. The firm’s international arbitration segment did take a hit in January 2011, when “suave superstar” James Carter departed for Dewey & Leboeuf. However, **Joseph Neuhaus** has “picked up the baton” and moved into a more prominent role in the international arbitration arena. Neuhaus was responsible for a July 2011 triumph for Argentina’s central bank, Banco Central de la Republica Argentina, in a decade-old case in which bondholders have been trying to claw back the money they have been awarded in judgments when the country defaulted on \$80 billion in debt. On appeal at the Second Circuit, Neuhaus successfully thwarted efforts by two claimants to obtain \$105 million held at the Federal Reserve Bank of New York by Argentina’s central bank, which was previously granted to the claimants by a Manhattan district judge.

Gandolfo “Vince” DiBlasi, who has been on the collective tip of fellow litigators’ tongues on a constant basis, and **Michael Tomaino**, who is referred to as “smart and thorough” by peers, are called upon as standout all-purpose litigators. **Samuel Seymour** and **Karen Patton Seymour** meanwhile are niche specialists the white-collar and enforcement capacity. “Of course, Sam Seymour and Karen Seymour are very highly regarded in what they do,” asserts a competitor. **Robert Giuffra** represents UBS in responding to a variety of regulatory inquiries, investigations and private litigation arising from the recent financial crisis and losses related to mortgage-backed securities. Peers call Giuffra “tactical, talented – now here’s a thinker and a strategist.”

Wachtell Lipton Rosen & Katz

Although Wachtell Lipton Rosen & Katz operates out of its one and only office in New York, the firm’s prestige resonates throughout several landmark litigation matters that are national and in some cases even global in scope. The firm is especially noted for its prowess in facilitating cases involving bankruptcies, mergers and structured finance. “They march to the beat of their own drum, but what a beat!” observes a peer. “Their business model just seems impenetrable.” The firm is composed of a stable of “clear winners at every level,” from the most senior talent of **Herbert Wachtell** and **Bernard Nussbaum** to the younger contenders like **Stephen DiPrima** and **Jonathan Moses**. The firm made news in August 2011 when **John Savarese** successfully moved to dismiss a \$19 billion suit against client JPMorgan Chase by the liquidation trustee of Bernard Madoff Investment Services.

Lawrence Pedowitz garners a robust level of recognition and accolades from peers for his representation of securities firms, investment banks, defense contractors, pharmaceutical companies, law firms and corporate officers. **Eric Roth** has been

involved in several landmark cases involving mergers and acquisitions, including defending the legality of obtaining specific performance of a merger agreement on behalf of a selling corporation and enjoining a defensive restructuring on behalf of a hostile bidder, which gained worldwide notoriety as the “poison pill” tactic. Praise is also strong for the “brilliant and quirky” **Theodore Mirvis**, about whom peers confide, “You don’t want to get into it with Ted Mirvis. He is a superior intellectual mind who can argue anything – in or out of court – and he will beat you.”

Recommended firms

Anderson Kill & Olick

Anderson Kill & Olick maintains a special focus on insurance and in that regard, it is unique in that it often litigates against insurance companies. The firm is dedicated to policyholder-only matters, and in this capacity, the firm is keeping clients very satisfied: “Their experience representing policyholders, the various articles the members of the firm publish about insurance coverage disputes, and their reputation in the risk management community all played a part in choosing them.” **Robert Horkovich** has obtained over \$5 billion in settlements and judgments from insurance companies for his clients over the past decade. One client cheers, “Based upon my vast experience in the field of insurance recovery work, I can say without hesitation that Bob Horkovich is one of the finest – if not the finest – attorney in this field.”

Chadbourne & Parke

Chadbourne & Parke has reached truly international status, with offices worldwide, but its star litigators are housed in its New York City headquarters. **Scott Balber**, who litigates on behalf of plaintiffs and defendants, is championed by a peer as “whip smart and street tough. He has both tools needed to really get into the guts of a case.” Clients also voice appreciation for Balber, claiming, “He has provided outstanding professional support and results.” Peers also acknowledge **Oliver Armas** as a “real contender in international arbitration. You’ve got to watch for him!” Clients applaud Armas’ “strategic thinking, regional expertise and language skills, attention to detail.” Litigation department head **Thomas Riley** is commended for his acumen within the firm’s celebrated products liability team, which includes notables **Phoebe Wilkinson** and **Gregory Loss**.

Cooley

San Francisco-based Cooley has made significant inroads in the New York litigation community since opening up shop in Manhattan in 1958 via a merger with Kronish Lieb Weiner & Hellman. In June 2010, the New York office ramped up its

litigation team further with the addition of Kathleen Parkenham, a tax litigator with extensive federal tax and procedure experience. While peers continue to acknowledge securities and white-collar veteran **Alan Levine** as the established “warhorse,” it is also noted that white-collar and securities litigator **William Schwartz** is “the real star over there now. He’s great on his feet, and he’s going to be the next successor to the throne.” Also recommended is **Celia Barenholtz**, who handles a wide range of complex commercial and intellectual property litigations and arbitrations.

Covington & Burling

The New York office of Washington DC-based Covington & Burling has experienced dynamic growth since its establishment in 1983. In this office, **Andrew Ruffino** focuses on complex commercial litigation, disputes over corporate control, securities law, and insurance coverage disputes. “You can’t go wrong with Andy Ruffino, I go out of my way to recommend him,” enthuses a peer. Competitors also give the nod to securities lawyer **Mark Gimbel**, who led a team that secured a dismissal of litigation against luxury real estate agency Traditions Management arising out of a \$26.5 million investment made by a hedge fund, which sued Traditions for fraud, conversion, and breach of contract when the market declined sharply in 2008.

Curtis Mallet-Prevost Colt & Mosle

Founded in New York in 1830 and still headquartered there, full-service firm Curtis Mallet-Prevost Colt & Mosle is unique in that its focus is largely on matters and clients that are international in scope. Peers mention **Eliot Lauer**, who has tried criminal and civil cases involving commodities fraud, securities fraud, and many other commercial transactions. Lauer led a team that obtained a December 2009 decision to uphold litigation claims filed against Banc of America Securities by client Citco Fund Services stemming from an underlying action brought in 2005 by a group of local and foreign investors seeking to recover losses arising from the liquidation of Lancer Offshore and OmniFund. The investors claimed that former directors and accountants of the hedge funds, along with Citco and BAS, defrauded them.

Dechert

While based in Pennsylvania, peers call Dechert “a dynamic, hard-charging group” in the New York litigation market. The firm has particularly made strides with respect to securities litigation, where **Andrew Levander**, a former Assistant United States Attorney for the Southern District of New York in the Securities and Commodities Fraud Unit, has been praised on a unanimous basis. The staggering level of accolades Levander attracts can perhaps be succinctly summed up

in the by one issued by a revered competitor: “Andy Levander is gold-standard, A-1. I’d hire him if I were in a jam.” Levander’s “blue-ribbon” client base includes John Thain, former CEO of Merrill Lynch, J Ezra Merkin and his management firm Gabriel Capital, and the Board of Directors of Lehman Brothers.

Jones Day

A national firm, Jones Day’s New York presence is on the rise, thanks largely to the firm’s triumphing in some recent groundbreaking matters. In a year that has been streaked with pivotal wins at the appellate level, New York-based appeals star

Kirkland & Ellis

Since national firm Kirkland & Ellis lost revered intellectual property guru John Desmarais in 2010, others in its New York intellectual property team have been carrying the torch high. Most notable among these is **Dale Cendali**, who represents Apple in a copyright proceeding brought by ASCAP in which the music licensing agency was asking for a determination of the appropriate royalty to be paid for a blanket license to Apple covering the public performance of musical works created by ASCAP’s members via Apple’s various mediums. The case settled on favorable terms. Products liability star **Jay Lefkowitz** represents Baxter Healthcare and

“A client enthuses, ‘If I have a bet-the-company case on my hands, I’m not calling anyone but Paul Weiss. And why? Because of their depth. No matter who is handling my case, I can be sure it will be done so with the utmost finesse.’”

Meir Feder lays claim to one of them: in June 2011, Feder successfully argued on behalf of client Goodyear Tire & Rubber and affiliates at the US Supreme Court, triumphing in obtaining reversal of a decision issued in North Carolina state court, which would have held Goodyear liable for wrongful death claims filed by the parents of North Carolina teenagers who were killed in a bus accident while travelling overseas. The Supreme Court held that the tires at issue had never been distributed in North Carolina and therefore the sales in North Carolina did not suffice to create the substantial connection between the state and the Goodyear affiliates necessary for general jurisdiction.

Kaye Scholer

Headquartered in New York since 1917, Kaye Scholer is known for its intellectual property and products liability litigation practices but, with the rising profile of **Peter Haveles**, is also gaining prominence in the commercial litigation arena. **Aaron Rubinstein** claims a victory representing Bank of America in litigation worth \$411 million against American Electric Power concerning the rights to hundreds of millions of dollars in natural gas that had been owned by an Enron subsidiary, for which both the client and the defendant took security interests, with the defendant attempting to claim a superior interest in the wake of the Enron bankruptcy. The court ruled in Bank of America’s favor in October 2010. **Leora Ben-Ami** has considerable intellectual property experience advising a wide array of companies in the medical device, biotechnology and chemical industries. In the products liability field, **Jay Mayesh** is specifically identified by peers as the firm’s undisputed leader.

Teva Pharmaceuticals in cases stemming from a 2008 hepatitis outbreak in that resulted in more than 250 lawsuits brought by plaintiffs alleging that they infected with the disease when they were treated at endoscopy clinics in Las Vegas where medical professionals used dirty needles and/or syringes in administering defendants’ injectable anesthetic Propofol.

Latham & Watkins

While its origins lie in California, the New York office of Latham & Watkins is its biggest location, comprising 350 of its total attorneys. The New York office is connected to nearly every investment bank on Wall Street. In December 2010, it was announced that **Miles Ruthberg** and **Jamie Wine** would be representing Ernst & Young in the cases New York state attorney general Andrew Cuomo brought against the Big Four accounting firms for allegedly perpetrating a massive fraud by misleading investors about the financial health of Lehman Brothers. From the New York office **Mark Beckett** attends to international arbitration matters, appearing in hearings worldwide. The firm did lose international arbitration future star Dan Tan this year, however, when Tan left to form his own international arbitration boutique in June 2011.

Linklaters

Another UK-based “Magic Circle” firm, Linklaters continues to make inroads throughout the New York market while retaining its international prestige. Indeed, the New York office’s core litigators practice in a largely global capacity, with a specialty focus on FCPA and white-collar criminal investigations and enforcement matters. A client testifies, “We use many law firms

across the world and we continue to believe that the world-class team at Linklaters has an edge in the most difficult and complex litigation cases.” Litigation department head **Lawrence Byrne** is widely respected among peers in the securities community. Byrne represents BAE Systems in a criminal investigation by the US DoJ and a subsequent plea agreement involving conspiracy to make false statements to the US Government, and in a derivative lawsuit filed by a holder of BAES’ American Depositary Receipts in federal district court. **James Warnot** represents Air France in a number of major antitrust matters involving its air cargo and passenger businesses. **Joseph Armao** is someone who, according to peers, “has been around and made a name for himself” in his capacity of FCPA and other enforcement matters.

Mayer Brown

The New York office of Chicago-headquartered national mainstay Mayer Brown remains popular with clients. One offers, “I have retained many of the largest corporate specialist law firms in New York City. In this area, I think Mayer Brown stands out. Their service and commitment are unparalleled.” Peers, too, commend the New York office for “making the breakthrough in a very competitive market.” Senior statesman **Richard Steuer** continues to receive numerous mentions from peers, and a noticeable contingent is also weighing in on behalf of **Joseph De Simone**, who represented several senior officers and directors of AIG in the massive securities and derivative actions brought against AIG and several other defendants in the United States District Court for the Southern District of New York and the Delaware Chancery Court. The securities matters were settled in the summer of 2010 and the derivatives matters later in the fall.

McDermott Will & Emery

McDermott Will & Emery’s New York office opened in 1988 through a local acquisition and currently hosts over 150 lawyers representing a broad range of regional, US and international clients. Litigation department head **Banks Brown** is currently representing the American Society for the Prevention of Cruelty to Animals (ASPCA) in a high-profile action against the Leona Helmsley trust in which the ASPCA is challenging the interpretation of an \$8 billion trust created by the late Leona Helmsley, namely the court ruling that holds that trustees can distribute the trust’s funds at their own discretion and do not necessarily have to provide any such funds to dog charities.

Morrison & Foerster

Headquartered in San Francisco, Morrison & Foerster has gained prominence in New York since setting up its second-largest office there in 1987. Securities veteran **Jack Auspitz** represents clients including TheStreet.com,

deCODE Genetics, and Saba Software, among others who have been taken to task in a large securities class action in which investors accused prominent securities underwriters and high-tech firms of illegally pumping up post-IPO stock prices by requiring initial purchasers to acquire more shares at higher prices after trading commenced. The firm obtained favorable settlements, although notices of appeal have been filed. Handling this matter with Auspitz was future star **Joel Haims**, who also takes the lead in representing certain former Bear Stearns employees in a securities fraud class-action lawsuit arising from the sale of \$38 billion of mortgage-backed certificates between 2006 and 2007.

death of a child. In the Buffalo office, **Samuel Goldblatt**, who also practices in Massachusetts, concentrates his practice in products liability, toxic torts, and complex commercial and environmental cases. He is national counsel for The Dow Chemical Company in numerous matters across the country involving alleged exposure to vinyl chloride monomer.

O’Melveny & Myers

The New York office of O’Melveny & Myers has been abuzz with change lately, to both the firm’s benefit and to its potential detriment. **Bradley Butwin** was plucked to be Chairman of the firm in July 2011, and he is still appreciated by his clients, who enjoy his

“A peer concedes ‘I think I speak for several lawyers when I say that I often go to sleep hoping that when I wake up, Quinn Emanuel will just go away. Of course when I do wake up, they’re in my face and seem stronger than the day before.’”

Morvillo Abramowitz Grand Iason Anello & Bohrer

Boutique firm Morvillo Abramowitz Grand Iason Anello & Bohrer prides itself on being exclusively devoted to litigation, with a particular emphasis on white-collar crime and securities matters. “Morvillo Abramowitz is on the threshold of the top tier. Their practice is narrow but their quality is high,” voices one peer. “The fact that you may not hear as much about them could be a testament to their success – they are keeping their clients very happy by keeping their legal woes off the radar.” In particular, **Elkan Abramowitz** is esteemed by the community for being “shrewd and yet very straightforward. He presents very convincing arguments because he himself comes across as believing in his position.” In March 2011, **Robert Anello** won the dismissal of all claims against a well regarded private wealth management company brought by three former investors who sought to hold the client liable for the reduction in their portfolios’ profits following the exposure of the Bernard Madoff Ponzi scheme.

Nixon Peabody

Nixon Peabody is one of the few ranked firms that not only caters to the New York City community, but also to the smaller but still significant markets like Long Island, Rochester, Buffalo and Albany. Beyond New York, the firm also maintains a presence in New England, California, Illinois, Washington DC, Europe and Asia. In New York City, **Joseph Ortego** obtained a favorable resolution for Pfizer in a matter involving claims arising out of the use of a pharmaceutical that allegedly caused the

“good-natured approach to what would normally be high-stress legal issues.” Several peers do speculate, however, that Butwin will be far less active in actual courtroom matters as a result of his new appointment. “He’s always been a very good litigator, but I suspect you soon won’t be seeing him in court much, if at all. No pun intended, but the jury’s still out on that,” assesses one peer. The same cannot be said for **Tancred Schiavoni**, however. Schiavoni is said to “relish the drama” of representing insurance clients in court. A peer enthuses, “Watching ‘Tanc’ in court is a sight to behold – he brings an element of theatre and real histrionics to his trials. It’s hard to doubt someone who elicits his level of passion!”

Orrick Herrington & Sutcliffe

Orrick Herrington & Sutcliffe New York office houses over 200 lawyers practicing commercial litigation, employment law, products liability, and intellectual property. The firm did sustain a blow to its products liability practice when Daniel Thomasch left the firm within the last year to join the New York office of Gibson Dunn & Crutcher, and peers agree that “Orrick’s loss was a big one and conversely, so was Gibson Dunn’s gain. Appellate specialist **Joshua Rosenkranz**” upped his bragging rights in 2011 with his very high-profile victory on behalf of MGA Entertainment, the maker of Bratz dolls, in an appeal to the precedent-setting decision that awarded Mattel all worldwide rights to the Bratz name and dolls due to the fact that the original designer had the idea and drew preliminary sketches for Bratz while he was employed at Mattel. Rosenkranz successfully argued for reversal at the Ninth Circuit. Despite Orrick’s sudden withdrawal from the

case in May 2011 after a highly publicized fee dispute with the client (and MGA's replacing Orrick with Skadden Arps Slate Meagher & Flom), MGA CEO Isaac Larian goes on record affirming, "I think Joshua Rosenkranz is one of the finest lawyers I've ever seen."

Schulte Roth & Zabel

Schulte Roth & Zabel continues to earn respect for its "very high-quality" team of litigators. "These guys are problem solvers for 'the Street,'" confirms one peer, while a client raves, "**Martin Perschetz** is smart and very strategic. He has a white-collar background and that is also helpful from time to time."

In January 2010, Perschetz secured a major victory on behalf of client Vivendi when a jury completely exonerated the client in a federal securities fraud class action, one of the few of the cases of this nature to be tried to verdict, in which the plaintiffs claimed that the defendants made false and misleading statements to conceal the company's true liquidity condition. One competitor also asserts, "You need to wake up and smell the coffee, [white collar future star] **Sung-Hee Suh** is going to be happening."

Weil Gotshal & Manges

Weil Gotshal & Manges was dealt an unfortunate one-two punch in its intellectual property capacity over the past year. First Nicholas Groombridge departed for Paul Weiss Rifkind Wharton & Garrison and then key partner Matthew Powers, a constant mention of colleagues in the patent litigation community, left Weil to open his own shop, Tensegrity, concentrating on plaintiff work. One peer summarizes the opinion shared by several others that "While not totally fatal, Matt Powers leaving Weil is obviously bad news." However, it is also noted that, "While this will immediately hit Weil where it hurts with regard to star power, it could also present opportunities for other IP litigators

there that may not have been given a fair shake because of Powers' overwhelming presence." Among these litigators referenced is **Bruce Rich**, who a peer speculates "should have gotten a lot more recognition all along but definitely should now that he no longer was Powers to contend with. He is underrated and does great work." Rich works on several matters in tandem with **James Quinn**, who prevailed on behalf of ExxonMobil in obtaining denial of class certification of a purported national class alleging that the client, among other "Big Oil" entities, conspired to restrict the supply of gasoline and mislead consumers and thus raise gas prices from 2000 to 2008.

White & Case

White & Case continues to enjoy a rising profile on an international level, with New York partners attending to matters that stretch far beyond the state's borders. "Comparing White & Case to other New York firms is not really a fair comparison, as their strategy seems to be taking them all over the place and hardly even in New York. They are doing great business elsewhere," offers one circumspect peer. Clients, meanwhile, refer to the firm as a group of "intelligent and well-spoken attorneys, with the very highest abilities in researching and explaining the complexities of litigation. It is actually a true pleasure to work with each of them." The firm's international arbitration bench, spearheaded by **Ank Santens** and **Paul Friedland**, has earned a noteworthy majority of peer votes as being one of the clear leaders in that capacity. Also practicing international arbitration on an occasional basis is future star **Robert Milne**, who typically operates in the antitrust arena, representing clients as diverse as Experian and major investors in OPEC. **Dimitrios Drivas** is identified as a "phenomenal" intellectual property lawyer, and global litigation chair **Glenn Kurtz** earns numerous peer nominations.

Willkie Farr & Gallagher

A good deal of attention that the New York office of Willkie Farr & Gallagher receives can largely be attributed to **Michael Young**, who is identified as being the firm's most visible litigator. Young's practice involves representing companies, audit committees, officers, directors, accounting firms, and investment banks in domestic and international securities class actions, SEC and other governmental proceedings, and special investigations. His trial work has included financial reporting matters in federal, state, and bankruptcy courts throughout the United States. **Mitchell Auslander** also receives peer recognition from fellow insurance practitioners. In February 2011, the firm made headlines when it was tapped to represent one of two executives of IndyMac who were accused of overstating the financial health of the doomed lender, which collapsed in 2008.

WilmerHale

National firm WilmerHale has become one of the country's premier litigation firms, housing some of the most recognizable names in various capacities and in several jurisdictions. Within the last year, the New York office has proven fertile ground for rising talent to fill the void left by former stars who have since retired or gone on the bench. Among these is future star **Peter Neiman**, who, peers state "is really coming up and making things happen, really doing stellar work" in his focused practice in the investigations and criminal litigation capacity. Peers also give the nod to bankruptcy litigator **Philip Anker**.





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Number of counsel: 7
Number of qualified lawyers: 30

Firm Profile

A distinguished group of trial-tested litigators, Bernstein Litowitz Berger & Grossmann ("BLB&G") handles complex commercial litigation for corporate, institutional and private clients on a contingency fee basis.

BLB&G is the leading law firm worldwide advising institutional investors in issues related to corporate governance, shareholder rights, and securities litigation. The firm provides comprehensive asset protection services, including portfolio monitoring, to over 100 of the most significant and respected public pension funds and private institutional investors in North America and abroad. Since its founding in 1983, BLB&G has obtained over \$20 billion in recoveries for investors and has achieved precedent-setting corporate governance reforms on behalf of its institutional investor clients, including billions of dollars obtained through litigation on behalf of bondholders and creditors of distressed and bankrupt companies. Unique among its peers, BLB&G is responsible for obtaining four of the ten largest securities recoveries in history, and nearly 40% of the top 50 securities class action recoveries of all time, more than any other firm in the field.

The firm also prosecutes cutting-edge fiduciary duty issues in connection with merger and acquisition transactions to maximize shareholder value, protect the shareholder franchise and improve corporate governance practices.

In addition, BLB&G has prosecuted some of the most significant employment discrimination, civil rights and consumer protection cases on record and represents intellectual property holders in patent, trademark and copyright litigation against some of the largest companies in the world.

Beyond obtaining large monetary recoveries, BLB&G has advanced novel and beneficial principles by developing important new law in the areas in which it litigates. As a result of its accomplishments, the firm and its attorneys have repeatedly and consistently earned high praise from the courts in which they practice, as well as the respect of the defense firms and insurance carriers whom they face in court and across the negotiating table.

Areas of Practice

Antitrust, Arbitration and Alternative Dispute Resolution, Commercial Litigation, Consumer Fraud, Corporate Governance and Shareholder Rights, Derivatives and Specialty Investment Products, Distressed Debt and Bankruptcy, ERISA Fraud, Employment Discrimination and Civil Rights, False Claims - Qui Tam/SEC Whistleblower Representation, Patent and Intellectual Property Litigation, Securities Fraud, Subprime Litigation.

Other Offices:

San Diego, CA; Chicago, IL, New Orleans, LA

DAVID BOIES



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Since 1997, Mr. Boies has been the chairman of Boies, Schiller and Flexner, a law firm with offices in New York, Washington DC, California, Florida, Nevada, and New Hampshire. Prior to 1997, Mr. Boies was a partner at Cravath Swaine & Moore.

Mr. Boies has been selected as one of the 100 Most Influential People in the World by *Time Magazine* (2010). He is the recipient of honorary LL.Ds from the University of Redlands (2000) and New York Law School (2007), and an honorary doctor of letters from the Chicago Theological Seminary (2011). His awards include the ABA Medal from the American Bar Association, the Vanderbilt Medal from New York University Law School, the Pinnacle Award from the International Dyslexia Association, the William Brennan Award from the University of Virginia, the Role Model Award from Equality Forum, and a Lifetime Achievement Award from the Mississippi Center for Justice. Mr. Boies was named the Lawyer of the Year by the *National Law Journal* (1999 and 2000); runner-up Person of the Year by *Time Magazine* (2000); the Antitrust Lawyer of the Year by the New York Bar Association (2003); the Commercial Litigator of the Year by *Who's Who International* an unprecedented four times (including 2010); and a Star Individual by *Chambers USA* (2010).

Mr. Boies served as chief counsel and staff director of the United States Senate antitrust subcommittee in 1978 and chief counsel and staff director of the United States Senate judiciary committee in 1979.

In 1986, representing the Democratic national committee, he won a permanent injunction prohibiting the Republican national committee from targeting minority districts with efforts to challenge voter qualifications. In 1991-1993, Mr. Boies was counsel to the Federal Deposit Insurance Corporation, recovering \$1.2 billion from companies which sold junk bonds to failed savings and loan associations.

In 1998-2000, he served as special trial counsel for the United States Department of Justice in its antitrust suit against Microsoft. Mr. Boies also served as the lead counsel for former vice-president Al Gore in connection with litigation relating to the 2000 election Florida vote count. In 2010, Mr. Boies represented plaintiffs in California suing to enjoin the state's ban on gay marriage as violative of the federal constitution.

In 2008, Mr. Boies successfully defended NASCAR against antitrust charges and collected a record \$4.1 billion for American Express in its antitrust litigation against Visa and MasterCard. In 2009, Mr. Boies won a defense jury verdict for his client Starr International against a \$4.3 billion claim by AIG, and represented the Golden Gate Yacht Club in its successful efforts to enjoin the America's Cup defender from disqualifying the Club's boat (which went on to win the cup). In 2010, he won the largest copyright infringement jury verdict for his client Oracle in its suit against SAP and successfully defended his client Barclays against an effort by the Lehman Bankruptcy Trustee to revise the terms of Barclays 2008 purchase of Lehman assets.

Mr. Boies was born in Sycamore, Illinois on March 11, 1941. He attended the University of Redlands (1960-62), and received a BS from Northwestern University (1964), an LL.B, *magna cum laude*, from Yale University (1966), and an LLM from New York University (1967).

Mr. Boies is a member of Phi Beta Kappa, a fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers; and a trustee of the National Constitution Center, Cold Spring Harbor Laboratory, and St. Luke's-Roosevelt Hospital Center. Mr. Boies is the author of numerous publications including *Courting Justice*, published by Miramax in 2004, and *Public Control of Business* (with Paul Verkuil), published by Little Brown in 1977. He has taught courses at New York University Law School and Cardozo Law School.

C A D W A L A D E R

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Other lawyers: 385

Established in New York in 1792, Cadwalader Wickersham & Taft LLP, a leading advisor to corporations and financial institutions with 500 attorneys in eight offices worldwide, offers clients innovative solutions to legal and financial issues.

Litigation Practice:

Cadwalader has a sophisticated and diverse litigation practice, handling significant civil and criminal disputes for a broad spectrum of clients. Our team of more than 180 litigators enjoys an outstanding reputation as creative and skilled advocates with substantial courtroom experience as well as experience in all aspects of dispute resolution. The team represents clients in litigations, arbitrations, mediations, and negotiations in substantive areas as varied as: antitrust; business fraud; commercial; complex financial products; corporate and securities; environmental; health care; insolvency; insurance; intellectual property; international; securities enforcement; and real estate matters. In all of these areas, our attorneys are responsible for a number of important and groundbreaking decisions by the courts.

Cadwalader litigators have broad experience in representing domestic and international clients in complex commercial disputes before US federal and state courts, foreign and domestic arbitration tribunals, and regulatory agencies in the US and in Europe. We also counsel and advise foreign clients on the jurisdictional reach of US courts, the application abroad of US civil and criminal laws, the application of US federal and state discovery procedures to international disputes, settlement strategies, alternative dispute resolution mechanisms, and the recognition and enforcement of US and foreign judgments under treaties and statutes.

In addition to the resolution of complex civil litigation, Cadwalader's litigation attorneys defend foreign corporations, financial institutions, investment firms, and individuals under investigation by federal and state authorities and administrative agencies, including, among others, the United States Department of Justice, the Securities and Exchange Commission, Internal Revenue Service, and International Trade Commission.

Our litigators are experienced in the supervision and management of large, complex cases and frequently work with technical consultants, experts and other counsel to efficiently and effectively further the interests of our clients. We continually explore state-of-the-art technologies to help us organize and manage discovery and trial materials, design exhibits, and communicate with our clients.

As appropriate, our litigators join with their colleagues in other areas of practice to provide the most comprehensive representation to our clients.

Other offices:

Charlotte, NC, Washington DC, Houston, TX, London, Beijing, Brussels, and Hong Kong.

CAHILL GORDON & REINDEL LLP

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Chairman: William M Hartnett
Co-administrative partner: Susanna M Suh
Co-administrative partner: Jonathan D Thier
Co-administrative partner: Penny Windle
Other offices: London, UK; Washington, DC

Litigation and Investigations:

Cahill has a prominent litigation practice with over 100 litigators, including nearly half the firm's partners. Amongst our ranks are dozens of former law clerks who have served judges in either the federal or state judiciaries, including the United States Supreme Court. Our team also includes a former US attorney for the Southern District of New York and other lawyers who joined Cahill following distinguished careers in the Securities and Exchange Commission, Department of Justice, Department of the Treasury and other federal and state agencies.

We regularly defend large-scale securities, insurance, reinsurance, antitrust, First Amendment, professional liability, intellectual property, white-collar litigations as well as governmental investigations around the world. Cahill has recently represented, or is currently representing The McGraw Hill Companies and its Standard & Poor's subsidiary, AIG and Chartist, HSBC, Time Warner Cable, Deutsche Bank, Overstock.com, JP Morgan Chase and Beazer Homes in matters involving significant financial and reputational exposures.

Cahill lawyers try and argue cases in state and federal courts, including the United States Supreme Court, and a wide range of administrative agencies throughout the country, as well as before specially constituted domestic and international dispute resolution tribunals.

We represent parties in proceedings before Congress, the Securities and Exchange Commission, the Department of Justice, the United States Attorneys' Offices, the Department of the Treasury, the Office of the Inspector General, the State Attorneys General as well as the New York Stock Exchange, FINRA, Chicago Board Options Exchange and other prosecutorial and regulatory agencies.

We have extensive experience conducting multinational investigations involving alleged violations of the Foreign Corrupt Practices Act (FCPA), the Office of Foreign Assets Control (OFAC), and commercial bribery. We also have a long track record conducting antitrust and price fixing investigations in markets including healthcare, pharmaceuticals, automotive industries, paper products, homebuilding, and tobacco.

CHADBOURNE & PARKE LLP

Litigation Department Chair: Thomas E. Riley

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Chadbourne's litigation department has earned an international reputation for excellence in complex high-stakes, high-profile business disputes. Our attorneys have extensive experience in a broad range of disciplines including commercial litigation, products liability, accountants' liability, securities litigation white-collar defense, special investigations, cross-border litigation, internal investigations, environmental litigation, trusts and estates, insurance and reinsurance, and intellectual property.

Our practice is comprised of skilled trial lawyers who regularly try and win cases in state, federal and international courts throughout the United States and abroad. We have the resources and knowledge to handle major large-scale litigation on a long-term basis; yet we also have the flexibility to handle smaller cases in a cost-effective manner.

Commercial Litigation:

Chadbourne's commercial litigation group is a trial-oriented practice, staffed by litigators with an impressive record of significant, highly visible victories. In recent years, we have successfully represented clients in billion-dollar claims; tried a number of major cases to verdict; litigated in state, federal and administrative courts throughout the country; and managed national and international litigations in a range of industries.

International Arbitration:

In addition to cross-border litigation, mediation and other forms of alternative dispute resolution, and international investigations—international arbitration is one of the four underpinnings of Chadbourne's International Dispute Resolution practice. Chadbourne lawyers have a wealth of experience in all forms of arbitrations, including commercial, investor-state, NAFTA, and WTO proceedings before panels worldwide. With senior-level attorneys around the globe, Chadbourne's international disputes team has one of the deepest benches in the marketplace.

Products Liability Defense:

Chadbourne is a leader in products liability counseling and defense, with extensive experience in defending and managing all aspects of products liability and complex tort litigation on an international, national and regional basis. We have amassed invaluable trial experience in federal and state courts around the country. Our professionals bring to each case a wealth of relevant experience, a keen understanding of the multi-faceted issues confronted by manufacturers, and the skills and knowledge to convey companies' scientific and medical defenses to juries.

White-Collar Defense and Investigations:

Chadbourne's high-powered and high-profile white-collar defense and investigations team carefully tailors the strategy and resulting work to each client's unique matter. Whether it is a compliance program or audit to avoid legal problems; an investigation by law enforcement, an administrative agency or legislative committee; defense of a nuisance suit; or full-out litigation and trial, our attorneys make sure that our clients receive the appropriate strategy and resources for their matter -- and no more.

OLIVER J ARMAS



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Oliver Armas handles complex domestic and international disputes. He has an extensive practice in US federal and state courts, as well as before regulatory agencies, such as the SEC, the US Department of Justice, the New York Attorney General and state insurance regulators (including internal investigations, FCPA audits, advice on OFAC and export controls).

A significant part of Mr. Armas's practice involves representing foreign and domestic clients in arbitrations before the ICC, AAA/ICDR, LCIA, ICSID, the Court of Arbitration for Sport (CAS), and other tribunals.

Because he is fluent in Spanish (and can understand Portuguese), a significant percentage of his practice involves counseling clients on various matters involving Latin America and the US Hispanic market.

Mr. Armas has acted as a legal expert on certain aspects of US law in foreign proceedings (for example, Mexico and Peru), and has supervised litigation and conducted FCPA field audits in almost every country in Latin America.

Education

New York University, College of Arts and Sciences, BA, with honors, 1986

New York University, Wagner Graduate School of Public Administration, MPA, with honors, 1987

New York University School of Law, JD, 1990

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Scott Balber is co-head of the Commercial Litigation Practice Group at Chadbourne & Parke. An honors graduate of Princeton University and Duke University School of Law, Mr. Balber's practice focuses on securities litigation, white-collar defense, investigations, legal malpractice, intellectual property and bankruptcy litigation. He has represented a broad range of clients, including those in the financial services, energy, legal, consumer products, healthcare and real estate industries.

Mr. Balber is an experienced trial and appellate lawyer who has first-chaired more than two dozen trials and has prevailed in cases before the United States Supreme Court and in numerous state and federal trial and appellate courts throughout the country.

He is currently defending an international bank in defense of adversary proceedings commenced by a Madoff feeder fund; a Swiss-based private equity firm in connection with claims arising after a sale of a portfolio company; and an AmLaw 100 firm in a malpractice action arising from a well-known bankruptcy. Mr. Balber also recently successfully represented a foreign bank in connection with multiple litigations involving credit default swap transactions worth approximately \$4.25 billion against an insurer.

His experience also includes obtaining a \$25 million jury verdict after a three week trial in New York Supreme Court on behalf of Swiss bank alleging that it was sold fraudulent promissory notes. The case ranked in *The New York Law Journal's* "Top 25 New York Verdicts" of the year. Mr. Balber has obtained substantial awards on behalf of his clients over the course of his career, including the highest jury verdict in the history of the United States District Court for the Eastern District of Pennsylvania.

Known for his credibility, aggressiveness, tenacity and professionalism, Mr. Balber has represented individuals and public and private companies in complex commercial litigations and arbitrations as well as in proceedings before the Securities and Exchange Commission, the United States Department of Justice, the New York Attorney General and other state and federal regulatory bodies.

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Thomas Hall is co-head of the commercial litigation practice group at Chadbourne & Parke. He specializes in complex commercial litigation and has extensive experience in a broad range of litigation matters, including securities, creditors' rights, corporate governance, energy, banking, contract and real estate disputes. He received his law degree from Fordham University School of Law in 1980, where he was managing editor of the *Fordham Law Review*.

As one of Chadbourne's leading trial attorneys, he has first-chaired over 40 trials to verdict and arbitrations to award.

In the commercial litigation arena, Mr. Hall has handled high-profile cases involving merger and acquisition agreements, licensing arrangements, major commercial leases, shareholder and partnership agreements, restrictive covenants, letters of credit, construction contracts and guarantees. Recently, he defeated a \$34 million arbitration claim brought against the owner of a worldwide satellite system by its Asian licensee for breach of contract and fraud, and obtained an award of legal fees. Mr. Hall also obtained a defense verdict in federal court for a major insurance broker, which was accused of failing to secure insurance coverage for a Caribbean oil refinery that thereafter sustained hurricane damage.

In the creditors' rights area, he has recovered hundreds of millions of dollars for lenders on defaulted financings, and has successfully defended financial institutions against dozens of lender liability claims. Mr. Hall recently achieved a substantial settlement in litigation to recover on a \$75 million loan to LJM2, an Enron-related partnership. He is representing the secured lenders in the TOUSA bankruptcy, defending fraudulent conveyance claims involving a \$500 million financing. He is defending claims in the billions of dollars against lenders and others in connection with the Madoff and extended stay bankruptcies.

Mr. Hall has litigated extensively in the energy industry and, on behalf of one power project developer, achieved a mid-trial settlement of \$29 million, the largest settlement ever in a lawsuit against the State of New York. He has defended corporate officers and directors in a variety of lawsuits, including claims for securities fraud, breach of fiduciary duty and corporate waste, and has handled coverage disputes under D&O insurance policies.

Mr. Hall is a member of the litigation section of the International Bar Association and of the American Bar Association's commercial and banking litigation committee and committee on international litigation. He is also a member of the New York State Bar Association's litigation section and a member of the Federal Bar Council.

He is a regular columnist for the *New York Law Journal* on commercial litigation issues. Mr. Hall has also served as editor of *The Banking Law Journal* (published by AS Pratt & Sons). Among dozens of other

publications, he is a contributing author to *Commercial Litigation in New York State Courts*, Third Edition (West & NYCLA 2010), and *Business and Commercial Litigation in Federal Courts*, Second Edition (West & NYCLA 2005).

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Gregory Loss is head of Chadbourne & Parke's products liability counseling and defense practice group. He has more than 20 years of experience in all aspects of litigation and focuses on the defense of complex products liability litigation in state and federal courts throughout the country. Mr. Loss actively manages the strategy, execution and personnel for some of the most noteworthy and complex cases seen in American courts. In addition, his practice includes extensive consulting on litigation avoidance and preparation, as well as providing advice and quality assurance for litigation pending in courts throughout the world.

Most notably, Mr. Loss' practice includes extensive involvement in the preparation and defense of smoking and health cases, including class actions, throughout the world on behalf of British American Tobacco Group companies.

A graduate of Yale University, Mr. Loss received his JD from Boston University School of Law, where he was managing editor of *Boston University Law Review*.

Representative Matters

Extensive participation in the preparation and defense of product liability cases throughout the world on behalf of British American Tobacco Group companies.

Representation of British American Tobacco company in litigation matters in the United States.

Participated in the defense of British American Tobacco in the United States government's highly publicized lawsuit against cigarette manufacturers, which initially sought recovery of \$280 billion in damages.

Participated in the defense of British American Tobacco in a multibillion dollar putative RICO (Racketeer Influenced and Corrupt Organizations Act) class action against several tobacco companies pending in federal court in Brooklyn, New York relating to the sale and marketing of 'light' cigarettes.

Participated in the successful defense of smoking and health cases on behalf of British American Tobacco Group companies in Brazil, Chile, Argentina, New Zealand, Australia, France, Germany, Spain, The Netherlands and Ireland.

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Thomas McCormack is a trial lawyer with over 25 years of experience handling complex commercial, securities and class action litigations. During the course of his career, he has tried a wide range of cases, involving multibillion-dollar energy supply contracts, bank loans, joint venture agreements, corporate governance and securities claims, drug development projects and many others. His clients include a number of Fortune 500 companies, as well as officers and directors of various publicly traded companies.

Mr. McCormack is a 1978 graduate of Stanford University and a 1982 graduate of Cornell Law School. He is admitted in New York as well as numerous Federal Circuit Courts of Appeals and District Courts.

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ALAN I RAYLESBERG



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Alan Raylesberg is a partner with Chadbourne & Parke, where he specializes in complex commercial litigation with a number of subspecialties, including securities litigation and accountants' liability. His clients include major accounting firms, law firms, investment banks, broker dealers, hedge funds, real estate developers and other business entities. Mr. Raylesberg has handled lawsuits, including both trials and appeals, in federal and state courts in New York and elsewhere, as well as numerous arbitrations. He has been involved in cases covering a wide range of substantive areas, including securities fraud, accountants' liability, legal malpractice, banking, RICO claims, cases alleging breaches of fiduciary duty, employment discrimination and other employment-related claims, real estate, tax, fidelity bond claims and other insurance matters. He also has extensive experience defending both individuals and entities in white-collar criminal matters and in regulatory proceedings before the Securities and Exchange Commission, the New York Stock Exchange, the New York attorney general and other agencies.

Mr. Raylesberg is a graduate of Boston University School of Law (*cum laude*, 1975), where he was an editor of the *Law Review*. He received his undergraduate degree from New York University (BA, 1972). Mr. Raylesberg has served as chair of the appellate courts committee of the New York County Lawyers' Association, as a member of that association's board of directors and as one of its representatives to the House of Delegates of the New York State Bar Association. He is a member of the New York State Supreme Court Commercial Division's Advisory Panel to the chief administrative judge on alternative dispute resolution procedures, a member of the New York City panel of distinguished neutrals for the CPR International Institute for Conflict Prevention and Resolution and a member of the panel of neutrals for the Supreme Court New York County Commercial Division's Mediation and Arbitration program. Mr. Raylesberg is also a director of the Fund for Modern Courts and a fellow of the New York Bar Foundation. He is a frequent lecturer and author, having taught trial and appellate advocacy courses and written for various publications, including as the author of the chapter on Case Evaluation in West's treatise on *Commercial Litigation in New York State Courts*.

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Thomas Riley is head of Chadbourne & Parke's litigation department. He has more than 25 years of experience in the products liability area. Mr. Riley has extensive experience coordinating the defense of hundreds of products liability cases around the country, including complex matters such as class actions and cases involving claims for medical monitoring. He has successfully defended manufacturers in trials throughout the United States, and also provides advice to defendants in products liability cases in courts around the world.

Mr. Riley is a member of the International Association of Defense Counsel (*amicus curiae* committee) and a member of the board of directors of the National Veterans Legal Services Program.

A graduate of Binghamton University, Mr. Riley received his JD from New York University School of Law, where he was a research editor and staff member of the *New York University Journal of International Law and Politics*. Following law school, he served as a law clerk to the Honorable John T Elfvin of the US District Court for the Western District of New York.

CHADBOURNE
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DAVID L WALLACE

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David Wallace is a courtroom lawyer focusing on all phases of complex, health-effects products liability defense and related counseling. For two decades, he has counseled, coordinated and personally litigated – "hands on" – the defense of multinational corporations in civil and common law jurisdictions globally. Based in New York, he leads Chadbourne & Parke's inter-disciplinary nanotechnologies practice, which he established in 2008.

In April 2009, *Nanotechnology Law & Business* named Mr. Wallace to its "Top Ten" list of experts on "environmental, health and safety issues related to engineered nanomaterials" who are expected "to play a leading roles in nanotechnology law and business."

The Australian Financial Review reported that Mr. Wallace's pre-trial cross-examination of the key witness against his client in a civil RICO case—an affiliate's former general counsel turned whistleblower—caused the witness's Australian barrister "extreme disappointment" and the witness to "storm out of the examination." Some of the novel, multi-jurisdictional discovery disputes he litigated in the course of this RICO case were profiled in *The National Law Journal*.

Mr. Wallace is a member of the International Association of Defense Counsel (IADC) and the Defense Research Institute (DRI). He also serves on the Board of Editors for *Product Liability Law & Strategy* (ALM Publication) and on the Advisory Board for both The Nanoethics Group (Cal. Polytechnic State Univ.) and *Nanotechnology Law & Business*. Mr. Wallace received a BSFS from Georgetown University in 1982 and law degree from Georgetown University Law Center, *cum laude*, in 1987.

**CHADBOURNE
& PARKE LLP**

PHOEBE A WILKINSON

**CHADBOURNE & PARKE**

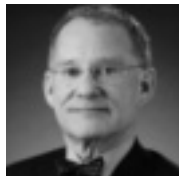
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Phoebe Wilkinson's practice focuses on complex domestic and international disputes. She has a particular focus on products liability matters, especially on behalf of pharmaceutical and medical device companies. Ms. Wilkinson has significant experience before international arbitration tribunals operating under the auspices of all the major arbitration institutions. She is also the Chair of Chadbourne's Pro Bono Committee.

Ms. Wilkinson was cited as plaintiff's counsel in a \$24 million verdict, which was ranked 16th in *The New York Law Journal's* "Top 25 New York Verdicts in 2009."

Ms. Wilkinson serves on the boards of directors for Brown University Sports Foundation, New York Lawyers for the Public Interest, Inc. (NYLPI), New York City Cyclones (a youth ice hockey organization) and The American Friends of St. Paul's Girls' School in London, England. She is also a member of the New York State Bar Association, American Bar Association, Defense Research Institute (DRI) and the Federal Bar Council American Inn of Court. Ms. Wilkinson earned her AB from Brown University and her JD from Brooklyn Law School, where she was a member of the *Brooklyn Journal of International Law* and the Moot Court Honor Society National Team.

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ALAN LEVINE**COOLEY**

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Alan Levine is a partner in the commercial litigation, securities litigation and white-collar & regulatory practice groups of the firm's litigation department. Mr. Levine serves on the management committee for the firm. In 1980 he joined Kronish Lieb Weiner & Hellman, which was merged into Cooley Godward Kronish in 2006.

For over 30 years, Mr. Levine has represented individuals and companies in complex civil, criminal and regulatory matters. Mr. Levine has successfully tried numerous civil and criminal cases and appeared in federal and state courts throughout the country. Public companies, private companies, law firms and individuals in sensitive situations - some leading to litigation, some not - have retained Mr. Levine to analyze, solve, settle or litigate matters to resolution.

Recognized by the *New York Law Journal* for his prominence and experience in litigating cases involving complex financial transactions, Mr. Levine has recently represented hedge funds and private equity firms in cases and arbitrations arising out of the financial downturn in 2008-2010.

Mr. Levine served for eight years (1998-2006) as managing partner of Kronish Lieb Weiner & Hellman, a premier 110-lawyer firm in Manhattan. Prior to joining Kronish Lieb, Mr. Levine served as an assistant United States attorney in the Southern District of New York, where he played a key role in the investigation and prosecution of union corruption on the New York City waterfront.

He graduated from New York University School of Law, where he was a member of the Law Review. Mr. Levine earned his BS from University of Pennsylvania.

A fellow of the American College of Trial Lawyers, Mr. Levine has repeatedly been recognized by his peers, having been asked to assume leadership roles over his career in the American College of Trial Lawyers, The Legal Aid Society, the American Bar Association and the New York State Bar Association. From 2007 through 2010, Mr. Levine served as chairman of the board of The Legal Aid Society, the largest public law firm in the United States.

Mr. Levine has long been active in civic and community affairs. He was named by former governor George Pataki to serve as a member of the New York State Commission on Public Authority Reform. He is also vice chairman of the board of trustees of the Jewish Theological Seminary.

Mr. Levine has received numerous awards for his contributions, including The Pro Bono Award and the Servant of Justice Award from The Legal Aid Society, The Torch of Learning Award from American Friends of the Hebrew University and The Human Relations Award from the Anti-Defamation League. In 2006, the Police Athletic League honored Mr. Levine with The Robert M. Morgenthau Award for being "a tireless advocate for the community."

Davis Polk

FIRM OVERVIEW

Davis Polk & Wardwell LLP is a global law firm based in New York City with offices in Menlo Park, CA, Washington DC, London, Paris, Madrid, Hong Kong, Beijing, Tokyo and São Paulo. For over 160 years, the firm has advised many of the world's leading companies and financial institutions as they face complex legal and business challenges.

With over 750 lawyers, the firm maintains a distinguished practice throughout a wide range of legal specialties. Lawyers in the firm's corporate practice advise companies and financial institutions on the full range of complex domestic and global transactions, including securities offerings, mergers and acquisitions and credit financings. Davis Polk's litigators lead the profession in such areas as securities litigation and compliance, white collar criminal defense, product liability and mass torts, antitrust, and insolvency and restructuring. Lawyers in its tax practice work on intricate and novel taxation issues associated with transactions and corporate structures, as well as all types of tax controversy matters, while its trusts and estates lawyers are experienced in dealing with the complex interplay of family, fiduciary, financial and tax issues involved in trust and estate planning and administration.

LITIGATION

Companies from around the world in every industry, as well as their executives and directors, retain Davis Polk lawyers for their most significant litigation matters. The firm's 217 litigators, based in its New York, Washington DC, and Menlo Park offices, routinely represent clients in trials, criminal and regulatory investigations, congressional inquiries, arbitrations, hearings, appeals and crisis management situations. The firm's broad-based practice encompasses matters involving securities litigation and enforcement, antitrust, white collar crime, FCPA, mass torts and product liability, acquisition-related litigation, banking litigation, insolvency and restructuring, directors' and officers' liability, professional liability, commercial arbitration, tax controversy and intellectual property.

CLIENTS

The firm's clients include Aetna, Altria, AstraZeneca, Banco Santander Central Hispano, Bank of America, BBVA, Bertelsmann, Citigroup, CNOOC, Comcast, Credit Suisse, CVS, Delta Air Lines, Deutsche Bank, E*TRADE, ExxonMobil, FedEx, Ford, Goldman Sachs, Honeywell, Industrial and Commercial Bank of China, JPMorgan Chase, KPMG, Lloyds TSB, LVMH, Morgan Stanley, Oracle, PepsiCo, Pfizer, PricewaterhouseCoopers, Roche, The Royal Bank of Scotland, Siemens, Sodexo, Suez, Telefónica, Texas Instruments and Yahoo!

FRANCES E BIVENS



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Ms. Bivens is a member of Davis Polk's litigation department, with experience in a wide variety of litigation matters, including mass tort actions, MDL class action matters, securities class action cases, SEC and FINRA investigations, FCPA investigations as well as professional liability matters in federal and state courts around the country. She has particular expertise in complex litigation and many of her cases involve litigation in multiple venues and parallel regulatory proceedings.

Work Highlights

- Hyundai Heavy Industries (the manufacturer of the Deepwater Horizon), in MDL class action litigation related to the oil spill in the Gulf in the Eastern District of Louisiana
- Con Edison in a variety of major litigations, including a consolidated litigation in New York Supreme Court related to a steam explosion in midtown Manhattan in the summer of 2007
- Baidu, in a copyright infringement action related to MP3 downloading
- DH Gate, in a copyright infringement action relating to certain products sold on its auction site
- The audit committee of a large company in a SOX whistleblower investigation
- A major financial institution, in an FCPA investigation relating to its China real estate business
- A major financial institution, in a FINRA investigation related to an institutional stock buy-back program
- Morgan Stanley, in litigation in DE Chancery Court and federal court related to the Philadelphia Stock Exchange
- A Swiss bank, in a civil RICO matter arising out of the alleged bribery of Azeri foreign officials by Viktor Kozeny
- Deloitte & Touche, in a variety of civil and regulatory matters, including matters relating to Delphi, Parmalat, Livent and Dollar General
- Ernst & Young, in a trial related to the failure of the Bank of New England.

Recognition

- Named in 2011 on *American Lawyer's* "45 Under 45" List of Top Women Lawyers
- Identified as a New York 'Litigation Star' in Euromoney Legal Media Group's *Benchmark Litigation 2010*.

Current Memberships

- Trustee, Federal Bar Council
- Member, board of directors, The Lawyers Committee for Civil Rights
- Member, board of directors, Advocates for Children
- Sub-committee chair, professional liability committee of the ABA

Past Membership

- Board of visitors, Columbia Law School
- President, Columbia Law School Alumni Association

Professional History

- Partner, 2001-present
- Associate, Davis Polk, 1995-2001
- Associate, Morrison & Foerster (New York), 1992-1993
- Law clerk, Hon. James L Oakes, US Court of Appeals, Second Circuit, 1994-1995
- Law Clerk, Hon. Jack B Weinstein, US District Court, ED New York, 1993-1994

Education

- ScB, electrical engineering, Brown University, 1988
- JD, Columbia Law School, 1992 – Harlan Fiske Stone Scholar

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As a member of Davis Polk's Litigation Department in New York and Menlo Park, California, Mr. Burke has represented clients in a variety of antitrust, securities, corporate governance and general litigation matters. In his antitrust practice, he advises clients on the competition law aspects of mergers and acquisitions and represents clients in investigations of mergers undertaken by federal antitrust authorities pursuant to the Hart-Scott-Rodino Act.

Recent M&A-related Antitrust Representations

- Comcast Corporation, the nation's largest cable company, in DOJ and FCC investigations of its acquisition of a majority interest in NBCUniversal (2009-11); the transaction closed in January 2011
- Equinix, a provider of global data center services, in a DOJ investigation of its proposed \$689 million acquisition of Switch and Data (2009-10); the transaction closed in 2010
- Citigroup in a joint venture transaction combining the retail brokerage businesses of Citigroup (Smith Barney) and Morgan Stanley (2008-09)
- Cadence Design Systems, a leading developer of electronic design automation software, in its proposed acquisition of Mentor Graphics; the transaction was abandoned before the FTC completed its investigation (2008)
- KLA-Tencor, a manufacturer of semiconductor test equipment, in DOJ investigations and related German Federal Cartel Office "Phase II" investigations of its proposed acquisitions of a number of companies, including August Technology, ADE Corp., Therna-Wave, ICOS, and Vistec; all transactions were approved without conditions (2005-08)
- SLM Corp. ("Sallie Mae"), the largest student lender in the U.S., in a DOJ investigation of its \$25 billion acquisition by a consortium of private equity and strategic buyers; the transaction was approved without conditions (2007)

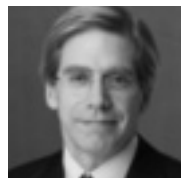
Mr. Burke has also provided antitrust advice in connection with the formation of joint ventures and standard-setting organizations and consortia.

Recent Litigation Representations

- Comcast in two 2009 trials before an FCC administrative law judge concerning "discrimination" claims brought by sports programming channels
- Oracle Corporation in a 2007 lawsuit in Santa Clara Superior Court seeking to block its \$500 million acquisition of Agile Software; the court denied the plaintiffs' motion for a preliminary injunction and the case was dismissed with prejudice
- Comcast in two separate federal antitrust suits brought in 2006 by purported "independent" cable programmers seeking to compel carriage by Comcast; the district courts in both cases dismissed the claims
- Comcast in an ongoing antitrust suit in Los Angeles federal court challenging the alleged practice of selling cable channels in "bundled tiers"
- Numerous companies, including AMI Semiconductor, Photon Dynamics, VF Corporation and TheraSense in suits seeking to block merger agreements to which they were parties; all transactions closed successfully
- Various companies and individuals in criminal grand jury investigations and private civil antitrust litigations alleging price-fixing conspiracies among competitors

Recognition

- Chambers USA: America's Leading Lawyers for Business* (Antitrust)
- Practical Law Company's *Cross-border Competition Handbook*
- Legal Media Group's Expert Guide to the *World's Leading Competition & Antitrust Lawyers and Benchmark Litigation*

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Mr. Carroll is a partner in Davis Polk's litigation department. He has represented a wide range of clients in federal and state jury trials, and in government investigations and administrative trials. He also defends corporations and boards of directors in federal and state class-action litigation. His matters have included record-setting jury verdicts on both the plaintiff and defense sides. Mr. Carroll's work also includes confidential internal investigations on behalf of corporations facing potential criminal and regulatory exposure.

Work Highlights

- *NFL v. Comcast* (FCC Trial) (lead trial counsel for Comcast in dispute concerning telecasting of NFL Channel)
- *In re Clear Channel* (New York and Texas state courts) (lead defense counsel for bank group in litigation over funding of private equity acquisition)
- *In re Tyco Securities Litigation* (New Hampshire federal court) (lead defense counsel for accounting firm in securities class action filed in the aftermath of criminal investigation of Tyco)
- *Oracle v. PeopleSoft* (Delaware Chancery Court) (lead counsel for Oracle in its successful acquisition of PeopleSoft)
- *The Common Fund v. KPMG* (SDNY 2000) (lead trial counsel for defendant accounting firm; named defense jury verdict of the year by *The National Law Journal*)
- *In the Matter of KPMG Peat Marwick* (lead trial counsel in SEC enforcement action)
- *Haft v. Haft* (DC state court) (lead trial counsel for plaintiff in family business dispute; record jury verdict for client)

Recognition

Mr. Carroll is listed as a leading lawyer in *Chambers USA: America's Leading Lawyers for Business* and Legal Media Group's *Benchmark Litigation*.

Of Note

- Teacher, trial and litigation courses, Practising Law Institute and New York City Bar programs

Professional History

- Partner, 1989-present
- Associate, 1983-1989
- Law clerk, Hon. Walter J Cummings, US Court of Appeals, Seventh Circuit, 1982-1983

Education

- AB, Dartmouth College, 1978
cum laude
with distinction
- JD, Columbia Law School, 1982
Harlan Fiske Stone Scholar
Editor, *Law Review*

Davis Polk

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Mr. Dunne is the head of Davis Polk's litigation practice and a member of the firm's three-person management committee. He represents clients in a wide variety of criminal, civil and regulatory matters, including grand jury inquiries, internal investigations, enforcement actions by state and federal agencies, and complex commercial disputes. Most of the cases that he handles involve 'parallel proceedings': competing actions and investigations that must be defended simultaneously in multiple forums. His white-collar criminal and regulatory matters have involved allegations of securities fraud, insider trading, foreign corrupt practices, money laundering and other financial crimes. He also has extensive experience advising companies, boards and audit committees on compliance and corporate governance issues.

He was a prosecutor in the office of Manhattan district attorney Robert Morgenthau from 1984 through 1987. Mr. Dunne's recent matters have included assignments in China, Korea, Pakistan, Indonesia, the Philippines, the Dominican Republic, Italy and the United Kingdom.

Recently, Mr. Dunne obtained a jury verdict of acquittal in the murder trial of Lonnie Jones, a pro-bono client, clearing him of all charges and securing his release from prison, where he had been wrongly held for more than five years.

Recent Representations

- Hyundai Heavy Industries, the manufacturer of the Deepwater Horizon Oil Rig, in litigation arising out of the Gulf oil spill
- A major investment bank in the SEC's industry-wide FCPA inquiry into the Sovereign Wealth Fund business
- A commodities-firm executive, in a market manipulation investigation by the CFTC
- Freddie Mac, in the Department of Justice's investigation into mortgage-related losses
- Intesa Sanpaolo, a major European bank, in an international investigation of Iranian sanctions violations
- An Asian conglomerate, in a criminal antitrust inquiry
- A senior executive of BAE, in the Justice Department's investigation of alleged Foreign Corrupt Practices Act violations by that company
- Marsh & McLennan, in the investigations of potential conflicts in the insurance industry, as well as the \$850 million settlement reached with New York attorney general Eliot Spitzer and the New York State Insurance Department
- ImClone, in the criminal, congressional and regulatory investigations of alleged insider trading by Samuel Waksal and Martha Stewart, and a senior executive of WorldCom in the Justice Department's investigation of accounting fraud at that company

Recognition

- In 2008, he was presented by the Fund for Modern Courts with the John J McCloy Award for outstanding contributions to the administration of justice in New York State.
- In 2006, he was chosen by Chief Judge Judith S Kaye to chair her statewide special commission on the future of the New York State courts.
- Mr. Dunne is listed as a leading lawyer in several legal industry publications including: *Chambers USA: America's Leading Lawyers for Business*; *The Legal 500 US*; Legal Media Group's *Benchmark Litigation* and *Expert Guide to the World's Leading White Collar Crime Lawyers*; and incisivemedia's (formerly American Lawyer Media's) *Corporate Counsel: Best Lawyers in America Guide to Commercial Litigation*, *Corporate Counsel: Corporate Governance & Compliance Law* and *Corporate Counsel: Best Lawyers Annual Guide to Criminal Defense Law*.

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As a member of Davis Polk's Litigation Department, Mr. Glazer represents clients in securities litigation, mergers and acquisitions and related litigation, regulatory agency and governmental investigations, and general commercial litigation.

Work Highlights

- Completed the successful defense at trial of Delta Air Lines in multibillion-dollar claims brought by Pan American Airways and its creditors
- Has also litigated major cases on behalf of Kohlberg Kravis Roberts, J.P. Morgan, Morgan Stanley, Donaldson, Lufkin & Jenrette, The Limited, Banca Nazionale Del Lavoro in all Parmalat litigation, Collins & Aikman, CVS, Paul Hastings, Janofsky & Walker, Shire Pharmaceuticals, Westar Energy, Royal Bank of Scotland, Richmond International (Cartier, Inc.), E*TRADE and the New York Mets in a wide range of subject areas

Mr. Glazer litigates cases throughout the country relating to significant merger and acquisition transactions (both friendly and hostile), including:

- Abbott Labs' acquisition of Advanced Medical Optics
- Banco Santander's acquisition of Sovereign Bank
- Delta Air Lines' acquisitions of Atlantic Southeast Airlines and Comair
- Dana's acquisition of Echlin
- Hilton Hotels' merger with Promus Hotels
- CVS' acquisition of Arbor Drugs
- Shire Pharmaceuticals' acquisition of Transkaryotic Therapies
- CNOOC's acquisition offer for Unocal
- Procter & Gamble's acquisition of Gillette
- Jefferson Smurfit's merger with Stone Container
- Canadian National Railway's acquisition of Illinois Central

Mr. Glazer also represents boards of directors, special committees and audit committees, and conducts investigations for various boards and committees, including WellCare Health Plans, JetBlue Airways, Collins & Aikman and Lydall, Inc.

Mr. Glazer also spends a significant amount of time representing clients in regulatory matters before the SEC, FINRA and other regulatory agencies. Representative clients in publicly disclosed regulatory matters have included J.P. Morgan, CVS, Paul Hastings, Westar Energy, WellCare Health Plans and ImClone Systems.

Recognition

Mr. Glazer is frequently listed as a leading litigation lawyer in several legal industry publications, including:

- *Chambers USA: America's Leading Lawyers for Business*
- Legal Media Group's *Benchmark Litigation: America's Leading Litigation Firms and Attorneys*
- Incisivemedia's (formerly American Lawyer Media) *Litigation 2008 – Best Lawyers in Commercial Litigation*
- American Lawyer Media's *Corporate Counsel: Best Lawyers Commercial Litigation*
- Woodward/White's *The Best Lawyers in America*
- Law & Politics' *New York Super Lawyers*

Professional History

- Partner, 1988-present
- Associate, 1981-1987
- Law Clerk, Hon. George C. Pratt, U.S. Court of Appeals, Second Circuit, 1982
- Law Clerk, Hon. George C. Pratt, U.S. District Court, E.D. New York, 1979-1981

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Mr. Harty, a partner in Davis Polk's litigation department, provides general antitrust counseling to US and non-US companies, and represents clients in enforcement agency investigations, domestic and cross-border acquisitions and joint ventures, and litigations.

Representations

- VF Corporation, in its acquisition of Timberland
- Comcast, in its joint venture with NBCUniversal
- PepsiCo, in its acquisition of its anchor bottlers
- The Kingdom of Sweden, in the sale of Absolut Vodka and other brands to Pernod Ricard
- Gillette, in its acquisition by Procter & Gamble
- FirstGroup, in its acquisition of the school bus services business of Laidlaw
- CVS, in its acquisitions of Eckerd Drugs, Revco, Arbor Drugs and its acquisition of Albertson's freestanding drug stores
- Emerson Electric, in numerous acquisitions
- Gibson Greetings, in connection with its acquisition by American Greetings
- Hoffmann-La Roche, in its acquisitions of Genentech, Syntex and Boehringer Mannheim, and the divestiture of its vitamins business to DSM
- Jefferson Smurfit, in its merger with Stone Container
- Zeneca, in litigation against Monsanto relating to genetically modified seeds; and with respect to Zeneca's merger with Astra AB, and the formation of Syngenta, the company that combines the agrochemicals businesses of AstraZeneca and Novartis
- The merger of J P Morgan and Chase Manhattan

Recognition

Listed as a leading lawyer in several legal industry publications, including:

- *Chambers Global: The World's Leading Lawyers for Business*
- *Chambers USA: America's Leading Lawyers for Business*
- Practical Law Company's *Cross-border Competition Handbook*
- Legal Media Group's *Benchmark Litigation and Expert Guide to the World's Leading Lawyers – Best of the Best US*
- Law Business Research's *Who's Who Legal – International Who's Who of Business Lawyers*
- Law Business Research's *Who's Who Legal – International Who's Who of Business Lawyers 2011* includes Mr. Harty in the rankings of the "world's 20 most highly respected individuals" and describes him as "absolutely first-rate."
- Mr. Harty was twice recognized by *Global Competition Review* as one of the "40 Under 40" leading antitrust lawyers in the world.
- In a recent review of New York's top antitrust practices, *Global Competition Review* lauded Ronan Harty as "one of New York's best antitrust merger specialists."

Current Memberships

- Member, antitrust law section, American Bar Association
- Member, international task force of the antitrust law section, American Bar Association
- Member, International Bar Association
- Council member, legal practice division, International Bar Association
- Member, editorial board, Matthew Bender's publication *Antitrust Report*
- Trustee, Packer Collegiate Institute

Professional History

- Partner, 1994-present
- Associate, 1986-1994
- Assistant (stagiaire) in the cabinet of Sir Leon Brittan, vice president of the European Commission Responsible for Competition Policy, 1991

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As a member of Davis Polk's Litigation Department, Mr. Kaminetzky divides his time between complex commercial litigation and bankruptcy litigation. He has regularly represented financial institutions and large corporations, such as Morgan Stanley, in complex commercial litigation, and major lenders and creditors, such as JPMorgan Chase, Citi, Goldman Sachs, Ford, Bank Leumi and Bank of America, in bankruptcies and reorganizations. He was also the lead litigator in numerous contested matters in the Chapter 11 proceedings of Delta Air Lines, Tribune, Lyondell and Frontier Airlines. Mr. Kaminetzky also concentrates in and publishes on litigation involving complex valuation and insolvency issues.

Recent Representations

- Morgan Stanley, in a billion-dollar dispute related to a Latin American submarine cable network; won dismissal of claims in New York Court of Appeals
- Citi, JPMorgan Chase and Bank of America, in multibillion-dollar fraudulent conveyance matters related to the Lyondell, Tribune and Extended Stay leveraged buyouts
- Delta Air Lines and Frontier Airlines, in litigation related to collective bargaining agreements, pension termination and/or retiree health care
- Goldman Sachs and Welsh, Carson, Anderson & Stowe, in various complex preference and fraudulent conveyance litigations
- Forex trading firm, Gain Capital, in fraudulent conveyance action asserted by trustee of Ponzi scheme debtor
- Major lenders and creditors, including JPMorgan Chase, Citi, Bank of America, Morgan Stanley, Bank Leumi, Goldman Sachs, Emerson, Ford, Welsh, Carson, Anderson & Stowe and Bertelsmann, in numerous bankruptcies and restructurings, including Lehman, Delphi, Lyondell, Tribune, Capmark, Conseco, Polaroid, Enron, Cedar Chemical, Level 3 Communications, Pameco, Key3Media, Bridge Information Systems and Napster
- Online travel site, in a dispute with industry participants
- A power company, in an international (ICC) arbitration related to the engineering and construction of a power plant in the Netherlands
- JPMorgan Chase, in an NASD arbitration relating to the emerging markets downturn; won dismissal of all claims
- Morgan Stanley, in a trial related to an M&A transaction in the telecommunications industry
- An international commercial explosives manufacturer, in antitrust MDL class actions and attendant Department of Justice investigation relating to the pricing of commercial explosives

Recognition

- The Beard Group's *Turnaround & Workouts* 'Outstanding Young Restructuring Lawyer 2007'
- Legal Media Group's *Benchmark Litigation*

Memberships

- Secretary, judiciary committee, New York City Bar
- Member, committee on bankruptcy and corporate reorganization, New York City Bar
- Member, board of directors, Yeshiva College, where he is chairman of the career development committee and a member of the academic affairs committee

Pro Bono

- Special counsel, federal monitor for the International Longshoremen's Association, in connection with disciplinary proceedings related to organized crime
- Special assistant district attorney, Queens and Kings Counties
- Legal advisor, Beth Din of America

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For many years Mr. Kolb has been a practicing litigator and trial lawyer in both federal and state courts throughout the United States.

Mr. Kolb has successfully handled a long list of high profile matters with significant client exposure. His clients have typically been major accounting firms, financial and industrial corporations, law firms, and a range of public interest organizations. His experience includes extended trials in courts throughout the United States and significant government investigations. He has presented appellate argument in numerous Federal Circuit and State Appellate courts. He has participated in significant arbitrations both as an advocate and arbitrator and has participated as an advocate in many significant mediations involving both domestic US and cross-border matters.

Mr. Kolb's significant matters have centered on issues as to financial reporting, including alleged fraud and nondisclosure, contract interpretation, banking, financial institution and other significant business failures, US and state jurisdiction, major issues of constitutional law and complex antitrust and estate matters.

Work Highlights

- Fourth Circuit affirmance in *Public Employees Retirement Association of Colorado, et. al. v. Deloitte & Touche, LLP* of dismissal of purported securities class action claims against Deloitte & Touche, in connection with purchases of the shares of Royal Ahold Corporation
- Second Circuit affirmance in *Lattanzio v. Deloitte & Touche, LLP* of dismissal of purported securities class action claims against Deloitte & Touche, in connection with purchases of the securities of Warnaco Corporation
- Dismissal by the US District Court for the Southern District of New York in *re: Parmalat Securities Litigation* of all securities class action claims against defendants by non-US purchasers
- Supreme Court of New Jersey affirmance of dismissal of all purported claims of fraud against Deloitte & Touche in connection with its work as auditor for Brunos Corporation
- Successful submission of an *amicus* brief in the US Supreme Court in *Caperton v. Massey Corporation* on behalf of major corporations and business organizations seeking a decision that the due process clause of the US Constitution required recusal by a justice of the Supreme Court of West Virginia who had received exceptionally large campaign contributions from a party
- Successful submission of an *amicus* brief to the US Supreme Court in *Haywood v. Drown* on behalf of law school professors seeking reversal of a New York Court of Appeals decision affirming the state's grant of immunity to corrections officers from civil rights-based damage claims

Recognition

- Listed as a leading lawyer in *Chambers USA: America's Leading Lawyers for Business* and Legal Media Group's *Benchmark Litigation*.
- Recipient of the Gould Award for Outstanding Advocacy, presented by the Office of the Appellate Defender
- On the roster of mediators for the Supreme Court of New York County's Commercial Division
- Appointed as special master in New York's Appellate Division First Department to conduct mediations

Professional History

- Senior counsel, 2011
- Partner, 1973-2011
- Associate, 1965-1973
- Head of the Washington office, 1980-1988
- Practice coordinator, litigation practice, 1989-1999

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Mr. Muller is a member of Davis Polk's Litigation Department, its White Collar Criminal Defense and Investigations Group and the firm's Global Compliance and Investigations Group. He represented Siemens AG in its landmark settlements of corruption matters and is currently representing a wide variety of companies and boards on transnational issues, including corruption, trade sanctions, money laundering and tax.

From October 2002 through July 2004, he served as General Counsel of the Central Intelligence Agency, and from 1979 to 1982, he served as an Assistant U.S. Attorney for the Southern District of New York.

He pioneered the use of the corporate "deferred prosecution" to resolve a federal criminal investigation and has advised numerous domestic and foreign companies, boards and board committees on matters relating to compliance, regulatory and criminal enforcement. A former Vice Chairman of the ABA's White Collar Crime Committee, he has lectured widely and taught criminal investigations at Georgetown University Law Center as an Adjunct Professor.

Mr. Muller clerked for the Watergate Special Prosecution Force and the Honorable Francis L. Van Dusen, U.S. Court of Appeals, Third Circuit.

Work Highlights

Mr. Muller has handled numerous internal investigations and has represented and advised financial and industrial companies in matters before the U.S. Department of Justice, the SEC and financial regulators in the U.S. and elsewhere.

Recent Representations

- Siemens AG, Morgan Stanley & Co. and others in corruption investigations
- Roche Holdings in criminal and civil antitrust proceedings relating to the vitamin industry
- Prudential Securities and Prudential Insurance in numerous matters relating to, among other things, the sale of over \$3 billion in real estate, oil and gas and other limited partnerships
- Warner Lambert (now owned by Pfizer) in criminal investigations relating to drug marketing and environmental compliance
- Texaco in civil, criminal and derivative matters relating to a civil rights matter
- Law firms and accounting firms, in accounting and professional liability matters

Recognition

Mr. Muller is listed as a leading lawyer in *Chambers USA: America's Leading Lawyers for Business*, *The Legal 500 US*, Legal Media Group's *Benchmark Litigation* and Law Business Research's *Who's Who Legal—The International Who's Who of Business Crime Defence Lawyers*.

Current Membership

- Member, American Law Institute

Past Memberships and Roles

- Vice chairman, white-collar crime committee, American Bar Association
- Chairman of the board, Center for the Community Interest
- Panelist, Practising Law Institute seminars
- Speaker on corruption-related topics
- Member, audit committee, National Cathedral Foundation

Education

- BA, Princeton University, 1971
cum laude
- JD, Georgetown University Law Center, 1975
case notes editor, *The Georgetown Law Journal*

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Mr. Portnoy is a member of Davis Polk's litigation department, representing clients in a wide range of securities, M&A and commercial matters in both federal and state courts and before various regulatory agencies.

Work Highlights

Mr. Portnoy has also represented clients in National Association of Securities Dealers, New York Stock Exchange and American Arbitration Association arbitrations.

Recent Representations

- Investment banks and other financial institutions, as well as industrial and manufacturing companies, in class action litigations in federal district courts in New York, Massachusetts, New Jersey, Pennsylvania, Connecticut, Texas, California, Florida and the District of Columbia
- Clients in state court matters in New York, Delaware, California, Louisiana and South Carolina and Securities and Exchange Commission enforcement matters, grand jury investigations, internal investigations and in connection with inquiries from various bank regulators, including the Federal Reserve Banks of New York, San Francisco and Chicago
- Representative clients have included Credit Suisse, Morgan Stanley, CVS, Comcast, Roche, Deloitte & Touche, JPMorgan Chase and Bank of America.

Recognition

Mr. Portnoy is listed as a leading lawyer in *Chambers USA: America's Leading Lawyers for Business* and Legal Media Group's *Benchmark Litigation*.

Memberships

- Member, committee on securities litigation, New York State Bar Association
- Member, committee on class actions & derivative suits, American Bar Association
- Member, committee on pre-trial practice & discovery, American Bar Association

Professional History

- Partner, 1996-present
- Associate, 1989-1996
- Law clerk, Hon. Ronald S W Lew, US District Court, CD California, 1988-1989

Education

- BA, University of Michigan, 1985
with highest honors
- JD, Harvard Law School, 1988

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Mr. Rouhandeh is head of Davis Polk's Litigation Department, representing clients in a variety of criminal, civil and regulatory matters. His practice includes representation of clients in grand jury, SEC and corporate investigations as well as complex civil litigation, including class action securities litigation and shareholder derivative actions. Mr. Rouhandeh has represented a variety of clients in the most well-known investigations and litigations in recent years, including Enron, WorldCom, Global Crossing and the subprime mortgage crisis. His matters typically involve parallel criminal, civil and regulatory proceedings.

Recent Civil Litigation

- Dismissal of claims of lead plaintiff in class action securities litigation relating to mortgage pass-through certificates on standing and statute of limitations grounds
- Denial of class certification in favor of Morgan Stanley, in which plaintiffs sought certification of claims of investors in a structured investment vehicle backed by CDOs and RMBS
- Representation of special committee of the board of a major mutual fund in connection with shareholder demand
- Representation of senior management of a major pharmaceutical company, in shareholder derivative action
- Landmark denial of class certification in favor of Pfizer in MDL, in which plaintiffs sought \$4.6 billion in alleged damages for payments relating to the off-label use of the prescription drug Neurontin
- Representation of a national law firm, in securities fraud class action
- Unanimous reversal by the U.S. Supreme Court in case representing *amicus curiae* seeking to overturn the application of 21 U.S.C. 843(b) to certain purchasers of controlled substances
- Summary judgment awarding actual and consequential damages, in favor of Deutsche Bank in a breach of contract action relating to convertible bonds
- Dismissal of RICO and antitrust claims against Smith & Nephew, brought in federal court in New Jersey
- Dismissal of all claims against J P Morgan, Morgan Stanley, Citigroup and Bank of America, in the AOL Time Warner multidistrict securities litigation relating to restatement of earnings following a \$10 billion bond offering
- Summary judgment on '34 Act claims and dismissal of '33 Act claims brought against TD Securities in federal securities fraud class action brought in federal court in South Carolina, following restatement and bankruptcy of Safety Kleen and indictment of Safety Kleen's top officers
- Summary judgment for J P Morgan in federal securities class action in federal court in Michigan, relating to Perrigo Company, whose stock dropped 40% in a single day shortly after the then-largest IPO in Nasdaq history

Criminal and SEC Investigations

- A broker-dealer in an internal investigation
- A major pharmaceutical company in a federal grand jury investigation and related matters that resulted in a resolution with the federal government and all 50 states
- A national law firm in connection with a federal investigation relating to tax opinions
- A former Worldcom executive in connection with a federal investigation of alleged accounting fraud
- Over 30 partners of a major professional services firm in an SEC investigation
- A tobacco company in the DOJ's investigation of the industry
- An investment bank in an SEC investigation relating to the municipal bond business

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Ms. Wagner is a partner in Davis Polk's litigation department. She has represented Sterling Equities in the Madoff SIPA liquidation. She has obtained precedential victories in matters regarding derivative transactions. Much of her work is cross-border in nature, and she often represents financial institutions and other clients in complex litigations relating to insolvency.

In addition to Sterling Equities, her clients have included Citibank, Credit Suisse, JPMorgan Chase, Bank of America, the International Monetary Fund and the Bank for International Settlements.

International Litigation

- Litigation relating to cross-border derivatives
- Highly-contested Chapter 15 case for BNP Paribas
- Telecom Argentina, in a prominent Section 304 case
- National Westminster Bank, in the Maxwell Communications bankruptcy

Other Representations

- Sterling Equities, in the Madoff SIPA liquidation
- Numerous clients involved in one or more Lehman matters
- Prominent global financial institutions, in fast-paced matters relating to Argentine litigation
- Financial institutions, in Terrorism Risk Insurance Act litigation

Recognition

Listed as a leading lawyer in several legal industry publications, including:

- *IFLR1000: Guide to the World's Leading Financial Law Firms*
- Law Business Research's *Who's Who Legal – International Who's Who of Business Lawyers* and *Who's Who Legal – International Who's Who of Insolvency & Restructuring Lawyers*
- Legal Media Group's *Expert Guide to the World's Leading Insolvency & Restructuring Lawyers*
- Legal Media Group's *Benchmark Litigation*

Ms. Wagner was also named a leading insolvency and restructuring lawyer in 2010 by Euromoney's *Expert Guide to the World's Leading Insolvency and Restructuring Lawyers*.

Of Note

- Speaker at national and regional gatherings of such groups as the American Bar Association, INSOL, the American Law Institute and the Practising Law Institute concerning bankruptcy law and its complex intersection with other international proceedings, as well as pension, environmental, tax and labor law
- Author or joint author of many papers on bankruptcy as well as chapters of two books, one concerning international insolvency and the other labor law

Past Memberships

- Member, committee J of the International Bar Association, where she was chiefly responsible for drafting an international insolvency concordat that was adopted by the International Bar Association
- Chair, fraudulent conveyance task force of the American Bar Association, where Ms. Wagner wrote papers concerning the fraudulent conveyance aspects of leveraged buyout transactions

Professional History

- Partner, 1988-present
- Associate, Davis Polk, 1979-1988
- Associate, Stroock & Stroock & Lavan, 1976-1979

Education

- BA, University of Pennsylvania, 1973 – *cum laude*
- JD, New York University School of Law, 1976 – *cum laude*
Arthur Garfield Hays fellow

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Mr. Windels is a member of Davis Polk's Litigation Department. He has experience in a wide variety of federal and state court commercial litigation matters, regulatory enforcement proceedings and internal investigations.

His matters include securities cases and investigations relating to public offerings, sales and trading, hedge funds, asset management and accounting issues. He has represented companies, boards of directors, financial institutions, investment advisers and accounting firms in lawsuits around the country and in investigations conducted by federal, state and foreign regulators.

Work Highlights

- Represented a leading investment bank in an action brought by the State of West Virginia, relating to trading in US government securities, culminating in a two-month jury trial in West Virginia state court and a judgment for our client on appeal
- Represented a major airline in an action for breach of contract brought by the bankruptcy estate and creditors committee of a competing airline, culminating in a two-month trial in federal court in New York and a judgment for our client
- Co-lead trial counsel for a health care and assisted living company, in an action against a takeover target in California state court, culminating in a trial and judgment for our client
- Lead trial counsel for an investment adviser, as claimant in a six-party NYSE arbitration arising from stock lending transactions, culminating in an arbitration hearing and an award for our client
- Represented a commercial bank, in connection with antitrust and RICO lawsuits arising from commodities transactions with a Japanese trading company, winning dismissal and defeating class certification on a number of claims
- Won dismissal of several class action and shareholder derivative lawsuits against a major US mutual fund adviser, at the district court level and on appeal
- Represented a US investment bank, in connection with fraud claims brought by a government-sponsored Middle Eastern bank relating to management of a bond portfolio
- Won dismissal on behalf of underwriters in a securities fraud action, arising from a public offering of shares by a vitamin company
- Defeated class certification on behalf of a large European bank, in a securities class action arising from stock lending transactions and one of the largest-ever SIPC liquidations
- Won dismissals on behalf of a 'big four' accounting firm of stock options backdating litigations
- Represented hedge funds, in connection with investor and partner disputes
- Represented investment banks, investment advisers, hedge funds, accounting firms and manufacturing companies in investigations by the Securities and Exchange Commission, the Department of Justice, the Manhattan district attorney, the Federal Reserve Bank, the New York State Banking Department, the Commodity Futures Trading Commission and foreign regulators in Japan, the United Kingdom and Canada
- Argued appeals in the Second, Seventh and Ninth Circuits and appellate courts in New York and California; argued numerous motions in federal and state courts in New York, New Jersey, Massachusetts, California, Florida, Louisiana, Missouri, Minnesota and Wisconsin
- Representative clients over the last 20 years include ABN AMRO, Alliance Capital Management, Banco Santander, Delta Air Lines, Deutsche Bank, Highbridge Capital Management, J.P. Morgan & Co., Metalmark Capital Partners, Morgan Stanley & Co. and PricewaterhouseCoopers LLP

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Mr. Wise is a member of Davis Polk's Litigation Department. He has concentrated in commercial and complex litigation, including securities, antitrust, contracts, and business tort cases. His clients in these matters include investment and commercial banks, professional firms, officers and directors, and industrial companies. His practice has involved both trial and appellate advocacy. He has tried jury and non-jury cases in federal and state courts in New York, California, Texas and other states. Mr. Wise has an active securities litigation and SEC enforcement practice on behalf of both issuers and financial institutions.

Work Highlights

- Successfully defended a major underwriter in the four-month MiniScribe securities fraud trial before a Texas state court jury, which resulted in verdicts against other defendants totaling hundreds of millions of dollars
- More recently, has represented a series of issuers in federal securities law Rule 10b-5 class actions
- In a non-securities law trial, won a defense verdict on contract and fraud claims against a major Japanese bank, after a two-week federal jury trial in New York
- In an industrial products liability case, participated in the trial of the commercial liability claims between the utility operator and the supplier of the nuclear reactor arising out of the Three Mile Island accident
- In his antitrust practice, represented Morgan Stanley, J P Morgan and DLJ in antitrust and securities law investigations, litigation, and settlement negotiations arising out of trading practices in the Nasdaq market
- Is currently representing several investment banks in federal class litigations challenging various aspects of the initial public offering market and the securities lending business

Recognition

Listed as a leading lawyer in several legal industry publications, including:

- Legal Media Group's *Benchmark Litigation; Expert Guide to the World's Leading Litigation Lawyers*; and *Expert Guide to the World's Leading Competition & Antitrust Lawyers*
- Law Business Research's *Who's Who Legal-International Who's Who of Business Lawyers* and *Who's Who Legal-International Who's Who of Commercial Litigators*
- incisivemedia's (formerly American Lawyer Media) *Litigation 2008 – Best Lawyers in Commercial Litigation*

Of Note

Mr. Wise has participated in a number of panels and other programs sponsored by bar associations and is co-author of a practice book on the 1993 amendments to the Federal Rules of Civil Procedure published by the New York State Bar Association.

Current Memberships

- Fellow, American College of Trial Lawyers
- Member, American Bar Association
- Member, New York State Bar Association

Past Memberships

- Co-chair, joint committee on local rules, Southern and Eastern Districts of New York
- Trustee, Practising Law Institute
- Member, executive committee, section on commercial and federal litigation, New York State Bar Association
- Chairman, federal procedure committee, section on commercial and federal litigation, New York State Bar Association
- Chair, financial markets subcommittee of the insurance committee of the antitrust section, American Bar Association

Dechert LLP

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An international law firm with offices throughout the United States, Europe and Asia, Dechert has the resources and experience to help clients succeed wherever they do business. We focus on core litigation and transactional practices, providing top-ranked services to major corporations, financial institutions and private funds worldwide.

Litigation

Corporations and financial institutions rely on Dechert's litigators to resolve their most challenging, must-win disputes. Recognized by clients, peers and adversaries as a go-to firm for complex litigation, Dechert's distinguished trial team leverages our experience to defeat plaintiff claims and achieve favorable outcomes for our clients. Our command of the courtroom means we don't just win at trial—we win before trial, settling the hard cases and knocking out our opponents' claims early in the game. We also dedicate a substantial portion of our practice to helping our clients minimize risk and avoid litigation before it even arises.

Mass Torts and Product Liability: With experience in many of the highest-profile mass torts litigated in the past decade, our mass torts and product liability practice offers skillful representation in domestic and multinational cases ranging from individual actions to the largest toxic tort class actions. While working closely with leading experts in science and other fields to refine defense strategies, we have successfully defended clients against product liability claims in diverse industries, including tobacco, chemical, pharmaceutical, food and beverage, consumer goods and medical devices.

White Collar and Securities: Dechert represents public and private corporations, investment companies and advisors, private equity funds, hedge funds, officers and directors, executives and special committees in all aspects of investigations, securities enforcement proceedings and securities litigation. Our team includes former federal prosecutors with securities fraud, criminal, antitrust and defense contract fraud experience as well as former senior Securities and Exchange Commission lawyers who offer invaluable insight into state and federal securities compliance issues and SEC, FINRA and stock exchange regulations.

Antitrust/Competition: Dechert's antitrust/competition group provides integrated global solutions to business risks posed by merger enforcement, antitrust litigation (especially class actions), cartel investigations, other government competition law investigations and cases involving the intersection of intellectual property and antitrust law. Representing clients in a wide variety of industries, our team has extensive experience as trial lawyers and government enforcers in the antitrust division of the Department of Justice and the Bureaus of Competition of the Federal Trade Commission, enabling us to guide clients through every aspect of antitrust law.

Intellectual Property: Dechert's IP litigation practice handles all manner of disputes, from complex patent cases to administrative proceedings before the U.S. Patent and Trademark Office. We have particular experience in matters involving electronics, software, computer systems, pharmaceuticals and medical devices. Our patent litigators have handled some of the country's largest patent cases for plaintiffs and defendants in a host of federal district courts and the Federal Circuit, before the International Trade Commission and in patent courts in Europe.

Bankruptcy: Our lawyers strive to maximize recovery for clients in contested bankruptcies. We represent borrowers, distressed companies, bondholders, secured creditors, creditor committees and acquirers of troubled businesses in litigation matters involving fraudulent conveyance claims, debtor-in-possession financing, asset sales, equitable subordination, substantive consolidation, plan confirmation and exclusivity, preferences, settlements of disputed claims, recharacterization of debt and valuation matters.

Complex Commercial: Dechert helps companies involved in commercial litigation assess their options, contain costs and decide on a course of action consistent with their goals. With lawyers in New York, London, Paris, Hong Kong, Moscow, Luxembourg, Boston, Philadelphia, San Francisco and Silicon Valley, we have the multi-jurisdictional resources, experience, and skills to guide clients through disputes wherever they arise. We represent companies in complex litigation and alternative dispute resolution proceedings across a broad range of industries, including pharmaceuticals, financial services, insurance, consumer products and communications, and aggressively defend client interests in breach of contract, consumer fraud and false advertising, corporate governance, mergers and acquisitions, professional liability and insurance issues matters.

Appellate: Our appellate practice regularly represents clients before the Supreme Court of the United States, U.S. Courts of Appeal and state appellate courts, bringing years of distinguished experience and skills to the particular challenges of appellate advocacy. We are familiar with the intricacies of appellate rules, and many of us have served on bar and judiciary conference committees that evaluate existing rules and recommend new ones. Our lawyers are admitted to practice before the Supreme Court of the United States, all 13 federal appellate courts and many of the country's state appellate courts.

E-Discovery: Dechert understands the importance of properly managing e-discovery issues in today's world. Our experience with some of the country's largest and most complex litigation matters helps us develop with clients an overall strategic approach to discovery, so the focus remains on the merits of the underlying dispute, not discovery. Our e-discovery litigation strategies are as diverse as our clients, serving both their short- and long-term needs.

Other Litigation: The firm also litigates insurance, environmental, health care and employment cases and resolves international disputes through litigation and arbitration.

In addition to our acclaimed litigation work, Dechert is further demonstrating its commitment to clients by the launch of our Project Management initiative. We are developing new approaches to efficiency and communication that will assist us in creating innovative fee arrangements, driving more accurate cost estimates, keeping matters on budget and improving quality control of internal teams.

Pro Bono

Service to our communities and to those who cannot otherwise obtain legal representation is central to Dechert's culture. As a result, pro bono work is on the same plane as all our other services and completely integrated into our overall practice. We accept pro bono referrals from local, national and international legal services organizations, and our pro bono docket is varied. Among the hundreds of matters we take on each year are cases involving asylum, prisoner civil rights, child advocacy, international human rights, special education and access to public benefits.



global presence local expertise

Our US litigation team includes 15 partners, two counsel and more than 50 associates, representing global clients in arbitration, complex commercial and securities litigation, white collar defense and antitrust litigation matters throughout the US.

With more than 2,500 lawyers in 27 offices around the world, we have the breadth to handle any dispute or investigation – whether domestic or international, civil or regulatory – before US agencies, courts and arbitral institutions.

Our US team is advising on:

- \$80bn of current active cases involving arbitration, complex civil litigation, and white collar defense;
- one of the largest investment treaty arbitration cases ever filed; and
- more than 30 FCPA investigations around the world.



FRIED FRANK

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The firm also has offices in Frankfurt, Hong Kong, London, Paris and Shanghai.

Website: www.friedfrank.com

Litigation Department Chairs: William G McGuinness and Elliot E Polebaum

Fried Frank litigators represent global corporations and financial institutions in their most challenging and complex matters. Our attorneys are active in trial and appellate matters in federal and state courts, and our diverse practice runs the gamut from agency and grand jury investigations to arbitration proceedings. We approach every representation focused on the client's strategic business objectives, appreciating that litigation is useful to the client only if it is in pursuit of those objectives.

We also draw upon our firm's industry, regulatory and corporate experience to help achieve the best possible resolution. We do not view litigation as an end in itself; thus we constantly ensure that the litigation strategies we implement advance our clients' goals. We believe our approach places us at an advantage to our adversaries in achieving outstanding results.

Principal Areas of Work:

Antitrust Litigation

We have broad experience in successfully handling all aspects of antitrust litigation, including antitrust-related civil and criminal trial and appellate litigation.

Bankruptcy-Related Litigation

Fried Frank's litigators enable the firm's restructuring practice to provide clients with expertise in contested matters, both in bankruptcy court and in state and federal courts. Our litigators have a wealth of experience in corporate finance and a keen understanding of the financial markets.

Commercial Litigation

Our litigators represent clients across multiple jurisdictions in a broad range of matters including complex contract, bankruptcy, financial services, insurance, real estate and antitrust litigation. We represent corporate clients in business tort litigation such as fraud, breach of fiduciary duty and unfair competition claims, and advise boards of directors, issuers and underwriters in disputes relating to pending and potential mergers and acquisitions, equity securities offerings and debt offerings. Our litigators, based in the US, UK, France and Hong Kong, counsel clients on a wide variety of cross-border commercial disputes, international arbitrations and investigations.

Environmental Litigation

We provide clients with a reasoned evaluation of the environmental risks attendant to any transaction. We also advise clients on compliance with a range of statutes, policies and guidelines, and represent companies in Superfund and other civil and criminal enforcement proceedings.

Foreign Corrupt Practices Act (FCPA)

Fried Frank has vast expertise in assisting clients with regard to compliance with, and investigations related to, the FCPA.

Government Contracts

We help clients navigate the complex maze of statutes and regulations at each stage of the government contracting process, from solicitation, award, performance and termination, to cost-performance liabilities.

Health Care Fraud and Compliance

Our long history of representing corporate defendants in criminal, civil and administrative proceedings involving False Claims Act and fraud allegations, as well as our broad experience in compliance work, have brought us to the forefront of defending health care entities facing a variety of fraud proceedings.

Intellectual Property and Technology

Fried Frank brings a sophisticated, multidisciplinary approach to matters involving patents, copyrights, trademarks and other intellectual property rights, and has a long track record of success and innovation in litigating these claims.

Internal Investigations and Monitoring

Fried Frank attorneys handle national and international internal investigations on behalf of corporations and their boards of directors, as well as other private- and public-sector entities, under circumstances that require the greatest discretion.

International Arbitration

Our international arbitration practice is one of the most comprehensive and renowned in the world, covering all forms of arbitration and alternative dispute resolution. Our attorneys act as counsel and arbitrators in international arbitrations, representing multinational corporations, international organizations and sovereign entities in numerous cases brought before courts and commissions throughout the world.

Qui Tam

For more than 20 years we have been on the cutting-edge of *qui tam* and Civil False Claims Act litigation, often setting precedent.

Real Estate Litigation

We represent clients with regard to real estate litigation that arises out of complex transactions, land use and environmental issues. We handle disputes over the sale of buildings and building portfolios, rights of first offer and first refusal, condemnation, environmental aspects of real estate development and land use, commercial landlord-tenant disputes, disputes under financing documents, and commercial real estate valuations, including rent re-set proceedings.

RICO

Our litigators have extensive experience in all aspects of civil and criminal RICO litigation. We represent securities firms, accounting firms, insurance companies and other financial institutions, as well as manufacturers, retailers and major labor unions.

Securities and Shareholder Litigation

We represent issuers, financial institutions, special committees, officers and directors in shareholder litigation cases throughout the US and have a recognized expertise in derivative actions and major securities arbitrations.

Takeover and Proxy Contest Litigation

We are highly experienced in takeover contests, proxy fights and disputed merger transactions. In contested situations, initiating or defending litigation can be critical to the outcome.

White-Collar Criminal Defense

We have a national reputation for success in the defense of corporations and individuals under criminal investigation. We regularly defend clients facing investigations by the US Department of Justice, US Attorneys' Offices, District Attorneys' Offices, the Department of Health and Human Services, the Office of the Inspector General and other federal and state regulatory and law enforcement agencies.

FRED FOX

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Fred Fox first associated with Kaplan Fox in 1984 and became a partner in the firm in 1991. He has concentrated his work in the area of class action litigation and has played important roles in many major class action cases. He was a lead trial lawyer in two recent securities class actions, one of which was the first case tried to verdict under the Private Securities Litigation Reform Act of 1995.

Mr. Fox currently represents many institutional investors, including governmental entities, in both class actions and individual litigation, including *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, which was recently settled for \$475 million. Mr. Fox is currently serving as lead counsel on behalf of major public pension funds in pending securities litigation arising out of Bank of America's acquisition of Merrill Lynch. He also represents institutional clients in pending securities litigation involving Fannie Mae, Sequenom, Ambac and Credit Suisse, and in the past has served as lead counsel in numerous cases, including *In re Merrill Lynch Research Reports Securities Litigation* (SDNY) (arising from analyst reports issued by Henry Blodgett); *In re Salomon Analyst Williams Litigation* (SDNY), and *In re Salomon Focal Litigation* (SDNY) (both actions stemming from analyst reports issued by Jack Grubman). Mr. Fox is a frequent speaker and panelist in both the US and abroad on a variety of topics including securities litigation and corporate governance.

In the consumer protection area, he served on the Plaintiffs' Steering Committee in the *Baycol Products Litigation*, where there have been more than \$350 million in settlements. Additionally, he is serving as one of the co-lead counsel in *In re RC2 Corp. Toy Lead Paint Products Liability Litigation* pending in the Northern District of Illinois.

Mr. Fox is listed in the current editions of New York Super Lawyers and is recognized in Benchmark Litigation 2010 as a New York "Litigation Star."

Mr. Fox is the author of "Current Issues and Strategies in Discovery in Securities Litigation," ATLA, 1989 Reference Material; "Securities Litigation: Updates and Strategies," ATLA, 1990 Reference Material; and "Contributory Trademark Infringement: The Legal Standard after *Inwood Laboratories, Inc. v. Ives Laboratories*," University of Bridgeport Law Review, Vol. 4, No. 2.

During law school, Mr. Fox was the notes and comments editor of the University of Bridgeport Law Review.

Education:

- BA, Queens College (1981)
- JD, Bridgeport School of Law (1984)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1985)
- US Courts of Appeals for the First, Second, Fourth, Fifth, Sixth and Eleventh Circuits
- US District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- American Bar Association
- Association of the Bar of the City of New York
- Association of Trial Lawyers of America (Chairman, Commercial Law Section, 1991-92)

KASOWITZ

KASOWITZ BENSON TORRES & FRIEDMAN LLP

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Managing Partner: Marc E Kasowitz

Kasowitz Benson Torres & Friedman LLP is one of the largest litigation firms in the country. The firm's highly talented lawyers are committed to pursuing creative, aggressive and innovative approaches to their clients' most challenging legal matters. The firm's clients include leading companies in the manufacturing, chemical, computer, energy, entertainment, consumer products, pharmaceutical and telecommunications industries, as well as major hedge funds, private equity firms, commercial banks, regulated utilities and individuals.

Kasowitz's litigators represent clients in high-stakes and often precedent-setting lawsuits, including class actions and multi-district cases. The firm's practice encompasses all aspects of litigation, including antitrust, banking, complex financial products, creditors' rights and bankruptcy, employment practices, environmental, family law, general corporate and commercial, insurance recovery, intellectual property, international arbitration, mass tort and product liability, real estate, securities and white-collar criminal defense litigation. The firm's approach to litigation is decidedly aggressive, and strives to achieve the most favorable results for its clients by focusing from the beginning of each case on preparation for trial.

With 375 lawyers in New York, Houston, Atlanta, San Francisco, Miami, Silicon Valley and Newark, Kasowitz represents clients in trial and appellate courts at the federal and state level, before administrative tribunals, in arbitrations and mediations, and in proceedings involving governmental agencies, such as the Securities and Exchange Commission, the US Department of Justice, the Financial Industry Regulatory Authority, the Federal Trade Commission and the US Patent and Trademark Office.

Notable Recent Representations:

- MBIA, in actions brought by the world's largest financial institutions in which they seek to set aside MBIA's transformation of its structured finance insurance business.
- Hilton Worldwide, in a civil action brought by Starwood Hotels and in a related federal grand jury investigation, arising from alleged misappropriation of trade secret materials.
- Metropolitan Life Insurance and Lloyds TSB Bank, in their actions against Credit Suisse, relating to their losses on financial instruments issued by National Century Financial Enterprises.
- Comcast, in the defense of three class actions alleging antitrust violations as a result of 'clustering' in cable markets.
- Fairfax Financial, a Canadian insurance giant, in a lawsuit which seeks \$6 billion in damages against hedge funds which allegedly manipulated Fairfax's stock through the use of manufactured analyst reports and other deceptive practices.
- Adelpia Recovery Trust, in actions against numerous commercial banks and investment banks, alleging that such institutions aided Adelpia's management in looting billions of dollars from the company.
- Bayerische Hypo-Und Vereinsbank ("HVB"), the second-largest private German financial institution, in defense of individual and class actions alleging fraud and RICO claims stemming from certain tax shelter transactions.

ROBIN L COHEN**KASOWITZ BENSON TORRES & FRIEDMAN LLP**

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Robin Cohen heads the Insurance Recovery group of Kasowitz Benson Torres & Friedman LLP. Ms. Cohen is one of the nation's preeminent insurance litigators, focusing her practice on representing insureds in complex insurance coverage matters. She handles many of the most significant and cutting-edge insurance coverage cases and has represented clients as lead counsel in courts throughout the country, including New York, New Jersey, Delaware, Illinois, California, West Virginia, Oregon, Maryland, and North Carolina.

Ms. Cohen has been recognized in numerous publications, including *The National Law Journal* as one of the 50 Most Influential Women Lawyers in America, *Lawdragon 500* ("a top-flight advocate for insurance clients"), 2011 *Chambers USA: America's Leading Lawyers for Business* (Robin is "spectacular and confidence-inspiring"), 2010 *Chambers USA: America's Leading Lawyers for Business* (Robin is "an outstanding oral advocate and strategic thinker" and "tough, direct and a pleasure to deal with"), 2009 *Chambers USA: America's Leading Lawyers for Business* (Robin "is always thinking three to five steps ahead on each issue") and 2008 *Chambers USA: America's Leading Lawyers for Business* (Robin "is always strategic and very thorough in her approach - she is someone you can trust for the truly large matters").

Notable Representations:

- ABT Building Products as lead counsel in a case against the insurance industry which obtained one of the largest jury verdicts ever in the North Carolina United States District Court.
- GAF Corporation as lead trial counsel on numerous bad faith and breach of contract actions against GAF liability carriers.
- Visa as lead counsel in all of its coverage matters.
- Pella Corporation and Pella Windows and Doors in their insurance coverage action seeking coverage for damages resulting from various class-action suits.
- Philips Electronics North America and its subsidiaries in numerous insurance coverage actions around the country, involving hundreds of millions of dollars in insurance coverage.
- Philips Lighting in its lawsuit against several insurance carriers in West Virginia concerning insurance coverage for approximately 4,000 toxic tort claims.

Recognition:

- *The National Law Journal*, one of the 50 Most Influential Women Lawyers in America.
- Named in the 2006–2011 editions of *Chambers USA: America's Leading Lawyers for Business* as a leader in the area of Insurance: Dispute Resolution: Policyholder (New York), and in the 2009 – 2011 editions in the area of Insurance: Dispute Resolution: Policyholder (National).

Education:

- JD, University of Pennsylvania Law School
- BA, University of Pennsylvania, *magna cum laude*

Admissions:

- New York
- Pennsylvania
- New Jersey
- US District Court, Eastern District of Pennsylvania
- US District Court, Southern District of New York
- US Courts of Appeals, for the Second, Fourth, Eighth and Tenth Circuits

DAVID M FRIEDMAN**KASOWITZ, BENSON, TORRES & FRIEDMAN**

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David Friedman is head of Kasowitz Benson Torres & Friedman LLP's Creditors' Rights and Bankruptcy group. He has represented, among others, debtors-in-possession, commercial lenders in complex real estate and industrial bankruptcies and informal restructurings, committees of creditors and equity security holders, hedge funds, high-yield mutual funds and other distressed investors, trustees in bankruptcy and acquirers of distressed businesses. Mr. Friedman has published articles and lectured on novel and complex areas of bankruptcy law.

Since the inception of its publication, Mr. Friedman has been ranked in *Chambers and Partners* as one of the "Leading Individuals" in the United States in Bankruptcy/Restructuring. He is perennially listed as one of *The Best Lawyers in America* in New York and as one of the top bankruptcy lawyers in the United States in the *K&A Restructuring Register*. In 2007 and 2008, *Lawdragon* named Mr. Friedman one of the 500 leading lawyers in America. He has also been recognized in *New York Super Lawyers 2006 – 2011* and has been distinguished as one of *Avenue Magazine's* "Legal Elite."

Notable Representations:

- Counsel for Borders Group and its subsidiaries in their Chapter 11 cases.
- Counsel for the Official Committee of Unsecured Creditors of Adelphia Communications Corporation and for the Adelphia Recovery Trust.
- Counsel for Bluebird Partners in achieving a \$90 million judgment and jury verdict against an indenture trustee.
- Counsel to controlling shareholder of Extended Stay Hotels in its Chapter 11 Reorganization and related litigation.
- Counsel for the Ad Hoc Committee of ULC-1 Bondholders of Calpine Corporation.
- Counsel for the Ad Hoc Committee of CLN Noteholders of Enron North America.
- Counsel for the Chapter 7 Trustee of FoxMeyer Corporation, recovering in excess of \$350 million through various litigation.
- Counsel for Donald J Trump in connection with his investment in Atlantic City casinos.
- Counsel for the Official Creditors Committee of Nextwave Personal Communications.
- Counsel for Carl C Icahn in his successful takeover of Marvel Entertainment during the latter's Chapter 11 proceedings.

Recognition:

- *Chambers USA: America's Leading Lawyers for Business*
- *Chambers Global: The World's Leading Lawyers for Business*
- *The Best Lawyers in America*
- *New York Super Lawyers*
- *Lawdragon: 500 Leading Lawyers in America*

Education:

- J.D., New York University School of Law
- B.A., Columbia University

Admissions:

- New York
- U.S. District Court, Southern District of New York
- U.S. Courts of Appeals, for the Second, Third and Sixth Circuits
- U.S. Supreme Court

MARC E KASOWITZ**KASOWITZ, BENSON, TORRES & FRIEDMAN LLP**

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Described by CNBC's Charlie Gasparino as the "toughest lawyer on Wall Street," and by Bloomberg Financial News as "uberlitigator," Marc Kasowitz is widely regarded as one of the nation's preeminent business litigators and trial lawyers. He has been featured by *The American Lawyer* as a "Litigator in the Spotlight," as well as in the cover story, "Fast Rise to the Top." Mr. Kasowitz was also profiled by *Law360* as one of the country's most innovative managing partners. He has been recognized in several publications as one of the nation's leading litigators and trial lawyers, including in *Chambers USA* ("formidable litigator and dynamic presence") and *Lawdragon 500* ("the cream of the crop"). Opponents acknowledge Mr. Kasowitz as a "powerhouse" and "the toughest of the tough guys," and a foreign publication referred to him as "one of the most prominent and feared lawyers in the United States."

Mr. Kasowitz has an extensive background as national trial counsel in complex litigation in the areas of bank finance, leveraged-buyouts, fraudulent conveyance, RICO, corporate governance, trade secret misappropriation, antitrust, securities, mass tort, breach of contract and other commercial cases. Mr. Kasowitz has also conducted numerous internal investigations on behalf of boards of directors, management and special committees regarding alleged corporate misfeasance, conflicts of interest, challenges to board authority, insider trading, accounting fraud, market timing, obstruction of justice, market manipulation, and other issues relating to director and officer fiduciary responsibilities and liabilities.

Notable Representations:

- MBIA, the world's largest bond insurer, and its bond insurer subsidiaries, MBIA Insurance Corporation and National Public Finance Guarantee Corporation, in an ongoing multibillion-dollar fraudulent conveyance action and Article 78 proceeding in New York State court brought by 19 of the world's largest financial institutions.
- Apollo Management and its portfolio company, Hexion Specialty Chemicals, in litigation arising from Hexion's proposed \$15 billion merger with Huntsman Chemicals.
- Fairfax Financial Holdings Limited, a Canadian insurance holding company, in a New Jersey action arising out of a short-selling attack on Fairfax and its operating subsidiaries by a group of hedge funds and their operatives in collusion with certain purportedly independent securities analysts.
- Source Interlink Distribution and Source Interlink Companies in their antitrust suit alleging that leading magazine publishers and their distributors conspired to force Source out of the wholesale single-issue magazine market.

Recognition:

- *Chambers USA: America's Leading Lawyers for Business*
- *The Legal 500*
- *Lawdragon: 500 Leading Lawyers in America*
- *New York Super Lawyers*
- *Law360, Most Innovative Managing Partner*

Education:

- JD, Cornell Law School
- BA, Yale University, *cum laude*

Admissions:

- New York
- US District Court, Eastern District of New York
- US District Court, Southern District of New York
- US Courts of Appeals, for the Second and Third Circuits
- US District Court, District of Colorado

RANDY PAAR**KASOWITZ BENSON TORRES & FRIEDMAN LLP**

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Recognized by *Chambers USA* in its 2008–2011 guides as a leader in the area of insurance coverage for New York, Ms. Paar's practice focuses on insurance coverage and related matters in federal and state courts throughout the country and on counseling clients nationwide. Ms. Paar represents policyholders in multiparty insurance coverage cases involving asbestos, product liability, class actions, and environmental property damage, often in conjunction with the resolution of the underlying liability claims. Ms. Paar has represented clients in insurance coverage litigation involving directors and officers, errors and omissions, fidelity, and first-party property policies. Ms. Paar also has a diverse general litigation background, representing both private corporations and public entities in complex commercial disputes.

Chambers reported that Ms. Paar is "an excellent advocate who brings a wealth of experience and knowledge to her role," that "juries love her," "her courtroom presentation skills are superb" and "not only does she have an excellent grasp of the law, she's willing to listen to other people." Similarly, Ms. Paar repeatedly has been recognized as a *New York Super Lawyer* and one of *The Best Lawyers in America*, and was recognized in *The Legal 500*. Ms. Paar was also recognized as one of the ten leading litigators in the country practicing in the area of insurance recovery by *Insurance Law360*.

Notable Representations:

- Appleton Papers in its action against its comprehensive liability insurance companies for coverage for environmental liabilities arising from contamination of the Fox River in Wisconsin.
- Policyholder in *Sullivan v. GPH Partners, LLC*. At the time Randy was hired to represent the policyholder in the summer of 2007, the underlying claim was significantly reduced, and the insurers agreed to pay the entire amount of the reduced claim.
- Several large policyholders in connection with their recovery of Katrina-related losses.
- Outside directors of *WorldCom in Bert C. Roberts, Jr. v. Associated Electric & Gas Insurance Services Limited, et al.*, involving D&O insurance.
- The Port Authority of New York and New Jersey in connection with its insurance coverage claims relating to alleged liabilities arising out of the terrorists attacks on February 26, 1993 and September 11, 2001. In 2007, the court awarded The Port Authority more than \$1 million sanctions against opposing counsel, setting an important precedent on the ethical obligations of counsel.

Recognition:

- *Chambers USA: America's Leading Lawyers for Business*
- *The Legal 500*
- *New York Super Lawyers*
- *The Best Lawyers in America*
- *Insurance Law360*, recognized as one of ten leading litigators in the country practicing in insurance recovery

Education:

- JD, New York University School of Law
- BA, Harvard College, *cum laude*

Admissions:

- New York
- US District Court, Eastern District of New York
- US District Court, Southern District of New York
- US Supreme Court
- US Courts of Appeals, for the Second, Third and Ninth Circuits

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Mark Ressler is a partner at Kasowitz Benson Torres & Friedman LLP focusing on complex commercial litigation, white-collar criminal defense and internal investigations. Since joining the firm in 1998 from the United States Attorney's Office, Mr. Ressler has successfully represented corporations, financial institutions and individuals in state and federal courts throughout the United States. He has been selected repeatedly as one of "America's Leading Lawyers for Business" in *Chambers USA*, which described him as "undertaking a wide range of commercial litigation for clients who greatly appreciate his easy conversance with governmental and regulatory institutions. This clout attracts a high-caliber clientele drawn from a range of industries..."

Mr. Ressler has handled some of the largest cases to date against software companies and consulting firms stemming from failed projects involving the implementation of enterprise business software. He has also gained recognition for his work in high-profile defamation actions. An active part of Mr. Ressler's current practice involves representing companies and financial institutions in disputes relating to structured products and credit market dislocations.

Notable Representations:

- National counsel to Bayerische Hypo-Und Vereinsbank, the second-largest bank in Germany, defending individual and class actions in jurisdictions throughout the United States alleging RICO and fraud claims stemming from certain tax shelter transactions.
- Appointed as Liaison Counsel to corporate investors, while representing a leading hedge fund, pursuing claims against a Reserve money market fund that "broke the buck" following Lehman's bankruptcy.
- Companies and financial institutions in disputes over swaps, CDOs, margin calls, auction rate securities, guaranteed investment contracts, forward delivery agreements, liquidity provider arrangements and structured products.
- Leading companies and public entities (including Waste Management, Levi Strauss & Co. and the County of Marin, California) in litigations against SAP, Deloitte Consulting and others alleging fraud, RICO and other claims stemming from failed SAP software implementations.
- Donald J Trump in a high-profile defamation action against a *New York Times* reporter and book publisher.
- Appointed by the SEC as an independent monitor in connection with the criminal and regulatory probes of New York Stock Exchange specialist firms.
- Executives of Asian companies in connection with numerous international price-fixing investigations by the Department of Justice, including in the DRAM, SRAM, LCD and Air Cargo industries.

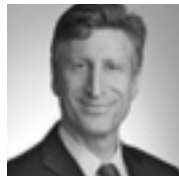
As an Assistant US Attorney in the Eastern District of New York (1991-1998), Mr. Ressler was twice awarded the Justice Department's Director's Award for Superior Performance, and was chosen as the Federal Law Enforcement Foundation's "Prosecutor of the Year," in connection with his trial and investigative work on high-profile insider trading, public corruption and racketeering gang cases.

Recognition:

- *Chambers USA: America's Leading Lawyers for Business*
- *Benchmark Litigation*
- *New York Super Lawyers*

Education:

- JD, New York University School of Law
- Fulbright Scholar, University of Stockholm Faculty of Law (LLM, International Comparative Law)
- BA, Brown University, *magna cum laude*, Phi Beta Kappa

MICHAEL S SHUSTER**KASOWITZ, BENSON, TORRES & FRIEDMAN LLP**

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Michael Shuster is a partner in Kasowitz Benson Torres & Friedman LLP's Litigation group. He is a trial lawyer with more than 25 years of experience trying cases and arbitrations and representing clients in highly contested matters. Mr. Shuster represents corporate, institutional and individual clients in complex financial matters, securities litigation, antitrust matters (litigation and transactional), corporate governance matters, cross-border matters, contract and tort disputes and class actions. He tries cases in state and federal courts, and has tried several arbitrations under the rules of the ICC, AAA, and other arbitral bodies. Mr. Shuster is ranked in *Chambers USA* (lauded as a "wonderfully talented litigator") as one of the "Leading Individuals" in New York in General Commercial Litigation and is recognized in *New York Super Lawyers* 2008-2011.

Notable Representations:

- Comcast Corporation in precedential antitrust litigation attacking the modern cable industry.
- Toy manufacturer Mega Brands in connection with takeover litigation, product liability cases relating to magnetic toys and related litigation.
- Royal Bank of Canada in the Enron securities class action litigation in federal court in Texas and related litigation.
- General Reinsurance in antitrust litigation brought by EchoStar alleging improper denial of insurance coverage and improper refusal to issue new coverage.
- Amerada Hess Corporation and its Board in securities class-action and insider-trading litigation.
- Comcast Corporation in Delaware breach of fiduciary duty and securities class action litigation.
- UBS Warburg in the Orange County securities litigation.
- Raytheon Corporation as lead antitrust counsel in securing Department of Justice and Pentagon approval for multibillion-dollar defense industry acquisitions.
- Chairman of Christie's in the Christie's/Sotheby's Auction Houses litigation.
- European bank in litigation brought against it involving the largest-ever knockout currency options.
- US corporation in the largest-ever short-swing profits case under Section 16(b) of the Securities Exchange Act.
- Banco Santander in an International Chamber of Commerce arbitration arising out of a failed derivatives joint venture with AIG.
- Comcast in a AAA arbitration against its customer care and billing vendor relating to flawed hardware and software.
- Saudi Refining in a national price-fixing class action against it, Shell and Texaco brought on behalf of gas station owners and operators.
- Landoil, a construction conglomerate in the Philippines, in political risk insurance litigation in the United States, as well as in a related arbitration in the London Court of International Arbitration and in a US ADR proceeding.

Recognition:

- *Chambers USA: America's Leading Lawyers for Business*
- *New York Super Lawyers*

Education:

- LLB, BCL, McGill University Faculty of Law
- BA, York University

Admissions:

- New York
- US District Court, Southern District of New York
- US District Court, Eastern District of New York
- US District Court, District of Colorado
- US Supreme Court
- US Courts of Appeals, for the Third, Fifth and Federal Circuits

KAYE SCHOLER LLP

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Firm Profile:

Kaye Scholer is a leading international law firm representing public and private companies, governmental entities, financial institutions and other organizations in matters around the world. Our ability to handle sophisticated representations consistently attracts clients who depend on the highest standard of legal counsel.

Offices:

Chicago, Frankfurt, London, Los Angeles, New York, Palo Alto, Shanghai, Washington, DC, and West Palm Beach

Litigation Practice

Kaye Scholer supports its clients with a nationwide litigation practice, consisting of approximately 250 lawyers, many of whom have substantial trial and appellate experience. Its litigation practice consists of three departments – complex commercial litigation, intellectual property and products liability. Our trial lawyers are highly regarded because of their substantial experience and trial skills.

Our clients turn to us because of the success that we have achieved in the courtroom. Clients appreciate our collaborative approach, as our trial lawyers work closely with both the clients' personnel and the firm's other practice departments to develop a comprehensive and effective strategy to achieve the best result. Clients also value the firm for developing cost-effective strategies for representing them in complicated disputes.

Complex Commercial Litigation

Kaye Scholer has litigated cases in virtually every area of commercial and corporate law, representing financial institutions, public and private companies and investment funds. The firm has successfully represented its clients in substantial disputes concerning corporate governance, shareholder class actions, structured and asset-backed transactions, commercial real estate loans, complex financial transactions, white-collar issues and antitrust claims in trial courts and bankruptcy courts across the country.

Intellectual Property Litigation

Kaye Scholer's intellectual property lawyers have an impressive track record handling patent, trademark, copyright, false advertising, technology and outsourcing matters for a diverse group of clients and industries, ranging from pharmaceuticals to information technology to food products to financial services to entertainment. The firm's intellectual property practice brings its specialized scientific, technical and business knowledge to bear on a variety of litigation matters.

Product Liability Litigation

The successful defense of product liability litigation requires counsel who are ready and able to try cases. We are nationally recognized for our depth of trial talent. Our trial lawyers have acted as lead trial counsel in cases involving a wide range of products, including prescription and over-the-counter medicines, implanted medical devices, chemicals, VOB emissions, coatings, solvents and pesticides, automobiles, heavy trucks, electromagnetic fields, repetitive stress injuries, fire alarms, and a host of industrial and consumer products. As national counsel we often oversee trials conducted by our co-counsel. Our highly successful national defense teams have an exceptional reputation with a successful track record of major wins.

BARRY H BERKE**KRAMER LEVIN NAFTALIS & FRANKEL**

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A partner and co-chair of Kramer Levin's white-collar defense and SEC regulatory practice, Barry H Berke is a Fellow of the American College of Trial Lawyers. Mr Berke has represented individuals and corporations in many sensitive and high-profile investigations and proceedings, and has tried dozens of cases before juries and judges. He has handled major matters involving all aspects of white-collar crime, including allegations of securities, accounting and bank fraud, RICO and FCPA violations, tax offenses, bribery, bid-rigging, and embezzlement. Mr Berke has also represented prominent corporations and individuals in class action and other complex litigation.

Mr Berke was profiled in *The American Lawyers* "Young Litigators Fab Fifty" as one of the 50 leading litigation attorneys in the US under the age of 45. Mr Berke was also selected by *The Best Lawyers in America* as one of the leading white-collar criminal defense lawyers in the US and was recognized as one of the "Top 10 Lawyers in New York" by *Super Lawyers*. In addition, *Chambers USA: America's Leading Lawyers for Business* recognized Mr Berke as a leading litigator in white-collar crime and commercial litigation.

Mr Berke is co-author of the textbook *The Practice of Federal Criminal Law: Prosecution and Defense*, published in January 2006 by Thomson/West as part of its American Casebook Series. Mr Berke has taught courses on criminal law and professional responsibility at New York University School of Law, and lectures frequently on criminal justice issues in a variety of forums. Additionally, he is chairman of the board of directors of the Coalition for the Homeless and a member of the board of directors of the Federal Defenders of New York, Inc.

Prior to joining Kramer Levin, Mr Berke was a trial lawyer with the Federal Defenders' Office for the Southern District of New York for four years. During that time, he defended individuals accused of a wide range of federal offenses, serving as lead counsel in numerous jury trials and achieving favorable verdicts in a large majority of those cases.

Mr Berke obtained his JD, *cum laude*, from Harvard Law School, and his BA, *summa cum laude*, *Phi Beta Kappa*, from Duke University.

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NICHOLAS L COCH**KRAMER LEVIN NAFTALIS & FRANKEL**

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Mr Coch's practice focuses on patent, trademark, unfair competition, trade secret and copyright litigation and transactions and antitrust aspects thereof.

Mr Coch is chairman of the intellectual property and technology law department. In his more than forty years of practice, Mr Coch has handled numerous complex trials, argued myriad appellate issues and has had significant experience in global and US transactions involving intellectual property.

Mr Coch and the Kramer team recently set the new standard for transferring litigations out of the patent friendly Eastern District of Texas by successfully mandamus the Court and having their client's case transferred. Mr Coch and the Kramer team also successfully defended Endo Pharmaceuticals permitting it to compete in the market for OxyContin, the highly profitable painkiller. The District Court, after previously preliminarily enjoining another competitor based on the same patents and having its decision affirmed by the Federal Circuit, found the patents unenforceable because they were procured through inequitable conduct before the PTO. Mr Coch's varied career includes defending the *Associated Press* in *Kregos v The Associated Press*, a copyright infringement action that was among the first to amplify the Supreme Court's Feist decision concerning the copyrightability of databases. Mr Coch was also the lead attorney in *Keene v Paraflex and Coach House v Coach and Six*, which clarified the trademark law of aesthetic functionality and acquiescence, respectively. Mr Coch was also lead attorney in successfully obtaining back-to-back preliminary injunctions in patent litigations in *Genentech v Novo Nordisk* and in *Genentech v Bio-Technology General* and in gaining reversal of a summary judgment of invalidity in *Groz-Beckert v Monarch Knitting Machinery*.

Mr Coch is a member of the American Intellectual Property Law Association, the American Bar Association and the New York Intellectual Property Law Association, where he has chaired committees and subcommittees on antitrust, inequitable conduct and patent misuse, trade secrets and FOIA. Mr Coch is registered to practice before the US Patent and Trademark Office.

Mr Coch regularly lectures and writes on intellectual property issues. Such subjects include "Jury Trials in Patent Cases," "Preliminary Injunctions in the 1990's," "Risky Business in the Late 1990's-Tying," "The US Patent System and its Challenge to Competition--Standard Setting, 2003," "Trademarks in the Global Marketplace," "Due Diligence Required of Exporters to the US" and "Trade Secret Considerations in Hiring, Continuing or Terminating Employees."

After receiving his Bachelor of Arts and Bachelor of Engineering degrees from Columbia University, and serving as an officer in the US Navy, Mr Coch earned his JD from the New York University School of Law. Mr Coch was a trial attorney with the US Department of Justice, antitrust division, prior to commencing private practice.

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MICHAEL J DELL



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Mr. Dell has more than 30 years of experience as a trial and appellate lawyer who successfully resolves complex business disputes. These include securities, accountants and auditors liability, commercial, real estate, insurance, ERISA, fiduciary and employment, and trusts and estate lawsuits in federal and state courts. He also has extensive experience in alternative dispute resolution, including arbitrations and mediations (at FINRA, the AAA, the ICDR, JAMS, the CPR and in other forums). In addition, Mr. Dell represents clients in connection with investigations and enforcement proceedings before federal and state agencies and self-regulatory organizations. Although Mr. Dell most often represents defendants, he has obtained many judgments or settlements for plaintiffs.

Mr. Dell's recent representations include the defense of an accounting association against class-action and other claims arising from the bankruptcy of Parmalat, with alleged losses exceeding \$10 billion; the defense of clients in *qui tam* actions; the defense of intellectual property development companies against fraud claims; the defense of hedge fund and other administrators and directors against class-action and other claims for stock manipulation, death-spiral financing and other wrongdoing; representation of partners in partnership disputes; the defense of telecommunications companies against claims for fraud and breach of contract; the defense of landlords against claims relating to withdrawals from the Mitchell-Lama program; the defense of health care companies against claims for breach of contract and fraud; the defense of pension fund trustees against class actions claiming breach of fiduciary duty; the defense of accounting firms against claims by clients, third parties and trustees and liquidators of bankrupt companies for fraud, breach of fiduciary duty and negligence; the defense of a broker-dealer against class-action and other claims of fraud and stock manipulation relating to stock loan trading; the defense of firms against class-action and other claims arising from the collapse of hedge funds; the defense of broker-dealers in customer and other securities and derivatives-related arbitrations before FINRA and other arbitration tribunals and in court; the defense of underwriters in class actions arising from public offerings; the defense of insurance companies in RICO and fraud litigations; and the defense of various corporations and their officers and directors against securities fraud claims.

Legal 500 U.S. (2011) has described Mr. Dell as "very knowledgeable, thorough, experienced and approachable", and as an "extremely effective litigator", who is praised for his 'excellent judgment' and 'combining excellent legal advice with a great deal of industry knowledge.' *Benchmark Litigation* has named Mr. Dell as a "Local Litigation Star." (2007, 2008, 2010 and 2011). Mr. Dell is also listed in *Best Lawyers in America* (2010-2011), which has recognized him as one of the leading lawyers in the U.S. in Commercial Litigation, Securities Litigation, Real Estate Litigation, Regulatory Enforcement and Appellate Practice, and *New York Super Lawyers* (2006-present).

Mr. Dell received his JD, *magna cum laude*, from Harvard Law School, where he was Associate Editorial Director of the *Harvard Law Review*, and his BA, *with honors*, from *Wadham College, Oxford University*. He lectures at the Practising Law Institute.

**KRAMER LEVIN
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GARY P NAFTALIS



KRAMER LEVIN NAFTALIS & FRANKEL

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One of the nation's leading trial lawyers, Gary P. Naftalis was selected as one of the 100 most influential lawyers in America by *The National Law Journal* and as one of the 10 Leading Trial Lawyers in the United States by *Legal 500*. He is a Fellow of the American College of Trial Lawyers. For more than 30 years, he has represented individuals and corporations in all phases of complex bet-the-company civil, criminal and regulatory, including those involving allegations of insider trading, market manipulation, accounting irregularities and other financial fraud. Mr. Naftalis has also served as counsel to audit and special committees of a number of major public companies.

Mr. Naftalis successfully won dismissal in favor of Kenneth Langone, former Chair of the New York Stock Exchange Compensation Committee, of all charges brought against him by then Attorney General Eliot Spitzer relating to the compensation of NYSE Chairman Richard Grasso.

He successfully defended Michael Eisner, the CEO of The Walt Disney Company, in the shareholders derivative lawsuit relating to the hiring and termination of Michael Ovitz. After a 37-day trial in the Delaware Chancery Court, Mr. Eisner and the other Disney Directors prevailed on all counts. The case was chosen as one of the top defense wins of 2005 by *The National Law Journal*.

He successfully represented the City of New York in the inquiry relating to the fire at the Deutsche Bank building. No charges were brought against the City or its officials.

Mr. Naftalis currently represents Rajat Gupta, former Managing Director Worldwide of McKinsey in SEC enforcement proceedings. He also currently represents Sirius Satellite Radio in litigation with Howard Stern; and Muriel Siebert and Siebert Financial Corporation in litigation with the firm's former chief operating officer. Mr. Naftalis also represents Raymond Harding, former leader of the Liberal Party, against charges arising out of the Attorney General's inquiry into the New York State Pension Funds.

He has successfully represented numerous securities industry clients, including Salomon Brothers in the investigation of US Treasury auction bidding practices, Kidder, Peabody in the Wall Street insider trading probe, Canary Capital Partners in the mutual fund inquiries and CIBC in the Enron investigation.

Mr. Naftalis is actively involved in representing significant figures and entities in the governmental inquiries and related civil litigation concerning corporate accounting irregularities, including his recent successful representation of the Chairman and Founder of Global Crossing. He represents United Rentals in various securities litigations and regulatory matters. Mr. Naftalis represented the CFOs of Affiliated Computer Services, Cendant and Bristol-Myers Squibb; the CEO of Refco; a director and senior officer of Tyco in securities class action and ERISA litigation; and the former CEO of Arthur Andersen in Enron civil litigation.

Mr. Naftalis received his AB from Rutgers University, his MA from Brown University, and his LLB from Columbia Law School where he was an editor of the *Columbia Law Review*. He served as Deputy Chief of the Criminal Division in the US Attorney's Office for the Southern District of New York.

Mr. Naftalis has been a member of the faculty at Columbia and Harvard Law Schools. He is the author or co-author of numerous books and articles including the leading work on the grand jury system - *The Grand Jury: An Institution on Trial* (with Judge Marvin E. Frankel) and *Sentencing: Helping Judges Do Their Jobs* (also with Judge Frankel).

HAROLD P WEINBERGER**KRAMER LEVIN NAFTALIS & FRANKEL**

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Harold P. Weinberger heads Kramer Levin's advertising group, and is a Fellow of the American College of Trial Lawyers. He regularly advises clients on prospective advertising and has been lead counsel in the litigation of many false advertising cases under Section 43(a) of the Lanham Act, representing both plaintiffs and defendants, as well as other complex intellectual property matters at the trial and appellate levels and arbitrations.

Mr. Weinberger's recent false-advertising matters include his representation of PBM Products, which manufactures store brand infant formula. In one of the largest false-advertising verdicts ever, a jury in the Eastern District of Virginia found Mead Johnson liable for falsely claiming that its Enfamil infant formula provided superior nutrition compared to store brand infant formula manufactured by PBM. Mr. Weinberger also represented Neutrogena, which obtained an injunction in the United States District Court for the District of Delaware against advertising for Schering-Plough's Coppertone Sport products. In the last few years he has also successfully defended advertising claims by The Procter & Gamble Company for Tampax Pearl tampons in an action brought by Playtex Products in the United States District Court for the Southern District of New York; represented McNeil-PPC, the manufacturer of Reach® dental floss, which obtained an injunction against Pfizer regarding advertising for Listerine® mouthwash; obtained a verdict dismissing a complaint of Colgate-Palmolive that advertising claims by The Procter & Gamble Company comparing its Crest Whitestrips® tooth-bleaching product to Colgate's Simply White® product were false; and defeated an attempt by TAP Pharmaceuticals to enjoin advertising for AstraZeneca's NEXIUM®.

Mr. Weinberger's cases have generated a good deal of Lanham Act precedent, including several significant appellate court decisions. Prior notable cases include the successful defense of advertising for the Aleve® analgesic and the successful prosecution of the first Lanham Act case dealing entirely with detailing of sales representatives for pharmaceutical products in a case involving Eli Lilly's EVISTA®.

Mr. Weinberger has spoken on issues relating to advertising at legal conferences and seminars and authored numerous publications. He teaches a seminar in false advertising law at Columbia University Law School. Mr. Weinberger has been recognized as one of *The Best Lawyers in America* (2007-2011); is listed in *Chambers USA* (2006-2011) and *Legal 500 US* (2009-2011); has been listed in all issues of *New York Super Lawyers* (2006-2009) and was ranked among the top 100 in 2009 and 2010; and was named to the 2011 *Lawdragon 3000*. *Benchmark Litigation* has singled out Mr. Weinberger as one of New York's "Litigation Stars."

**KRAMER LEVIN
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JOSEPH ARMAO**LINKLATERS**

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Mr. Armao is head of the US litigation practice at Linklaters in New York. His practice focuses on internal investigations, white-collar criminal and government regulatory defense of corporations and financial institutions, related civil litigation and compliance counseling. He has particular experience with accounting and securities fraud, foreign corrupt practices, enforcement of US economic sanctions and international price-fixing investigations. He brings to his clients the benefit of years of experience as a former government prosecutor and investigator. A veteran courtroom advocate, he has acted as lead counsel in numerous trials and arbitrations.

Mr. Armao has served as counsel to:

- Takeda Pharmaceutical Company, in the vitamins price-fixing cartel litigation, one of the largest cartel class actions ever filed.
- Royal Ahold, the multi-national food service corporation, in its precedent-setting settlement with the SEC of allegations of accounting fraud.
- Lloyds TSB, in its settlements with the DOJ and state criminal and regulatory authorities, related to international payment practices.
- ITT Corporation, regarding allegations of violations of the FCPA at the company's subsidiaries in China and in other high-risk environments around the globe.
- The Yokohama Rubber Company, in the investigation by the DOJ, European Commission, UK Office of Fair Trading and other competition-enforcement agencies around the world of a global price-fixing cartel involving the manufacturers of marine products.
- A well-known investment advisory firm at a federal trial of insider trading allegations brought by the SEC and for which the client was found not liable after trial.

Benchmark has recognized Mr. Armao as a local litigation star for the third year in a row. He is also recognized as a leading litigator by *Chambers USA* and *New York Super Lawyers*. In 1995, the New York State Bar Association awarded him the David S. Michaels Award for Courageous Efforts in Promoting Integrity in the Criminal Justice System.

Mr. Armao graduated *summa cum laude* from Columbia University in 1979, received an MA *with honors* from Oxford University in 1981 and his JD *cum laude* from Harvard Law School in 1984. From 1984 to 1991, Mr. Armao served as a prosecutor in the Manhattan District Attorney's Office, where he was Chief of the Labor Racketeering Unit and Deputy Chief of the Rackets Bureau. From 1992 to 1994, Mr. Armao served as Chief Counsel to the Mollen Commission, a blue-ribbon mayoral committee, where he led an internationally-acclaimed investigation into police corruption and the anti-corruption practices of the New York City Police Department.

Mr. Armao is a member of the New York State Bar Association and the Bar Association of the City of New York. In addition, he is a member of the Litigation and Criminal Justice Sections of the American Bar Association, served on the Board of Directors of The Fund for Modern Courts and is a Fellow of the American Bar Foundation and the New York Bar Foundation.

Linklaters

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Senior Partner: Robert Elliott (Senior Partner-Elect)

Managing Partner: Simon Davies

Co-Managing Partners – US: Jeff Norton, Conrado Tenaglia

Number of lawyers worldwide: 2,500

Number of US lawyers worldwide: 230

Number of lawyers in US: 150

Firm Overview

Linklaters specializes in advising the world's leading companies, financial institutions and governments on their most challenging transactions and assignments. With offices in 27 major business and financial centers in 19 countries, Linklaters is a unified firm with a single management structure that underpins its delivery of first-class, integrated service in all the principal economies in the Americas, Europe, Asia and the Middle East. The firm's global team of over 230 US lawyers advises clients on a wide range of domestic and cross-border deals and cases.

Litigation Overview

Head of US Litigation: Joseph Armao

Linklaters has over 40 US-based litigators who advise and defend clients with significant exposure in cross-border and US litigation. The team is led by 11 partners, including leading figures in the New York securities, white-collar crime and regulatory litigation bar. The New York team also includes former prosecutors and regulators.

The team has experience in a wide range of litigation matters including:

- white-collar investigations
- US regulatory and compliance
- antitrust disputes
- securities litigation
- corporate governance and compliance counseling matters
- internal investigations
- class and derivative actions
- accounting fraud
- bankruptcy litigation
- lender liability action
- arbitration

The team has trial and appellate experience before federal and state courts, including the Southern and Eastern Districts of New York, bankruptcy courts, governmental agencies, and other tribunals. In addition, we have acted on behalf of our clients as trial counsel in arbitrations in all major forums and related judicial proceedings.

We are part of a powerful international dispute resolution practice spanning 12 jurisdictions in the Americas, Europe and Asia. With more than 200 litigators worldwide, we are a top choice for clients with multi-jurisdictional needs. Our global strength gives our US litigation and arbitration team access to the resources we need to handle a US dispute of any scale, and our presence in major foreign jurisdictions enables us to coordinate multi-jurisdictional disputes, investigations, and discovery efficiently within the Linklaters network.

Select litigation representations handled by our US attorneys:

- Deutsche Börse in litigation commenced by shareholders of NYSE-Euronext seeking to enjoin the business combination between the two exchanges.
- BAE Systems in a DOJ investigation involving allegations of making false statements to the US government and in a related civil derivative lawsuit which won dismissal in the federal district court.
- Air France KLM in a grand jury investigation of alleged price-fixing in air cargo shipping and related civil litigation.
- Takeda Pharmaceutical Company in the vitamins price-fixing cartel litigation, one of the largest cartel class actions ever filed.
- The Joint Administrators of Lehman European Group Administration Companies in US Chapter 11 cases of Lehman Brothers Holdings Inc. and related debtors and Securities Investor Protection Act proceeding of Lehman Brothers Inc.
- The Yokohama Rubber Company, Ltd. in the investigation by the DOJ, European Commission, UK Office of Fair Trading and other competition enforcement agencies around the world of a global price-fixing cartel involving the manufacturers of marine products.
- ITT Corporation regarding allegations of violations of the FCPA at the Company's subsidiaries in China and in other high risk environments around the globe.
- Lloyds TSB in its settlements with the DOJ and State criminal and regulatory authorities related to international payment practices.
- A major US technology company in its internal investigation into cross-border FCPA issues and concurrent investigations by the DOJ and the SEC.
- Royal Ahold, the international food provider, in its precedent-setting settlement with the SEC and the DOJ.
- Fortis N.V. and Fortis S.A./N.V. (now Ageas) in a securities class action alleging section 10(b) and Rule 10b-5 violations arising out of Fortis' public disclosures during the global credit crisis.
- Aibel Group Ltd., in their plea agreement with the DOJ to resolve FCPA charges.
- A global investment bank in two lawsuits arising out of its commitment to fund, as part of a six-bank syndicate, the acquisition of Clear Channel Communications by two private equity firms.
- Deutsche Bank in all of its Enron-related litigations in the US including defending against the largest securities fraud class action ever filed in the US, and against claims by the Enron estate brought in the Southern District of New York.

LARRY BYRNE**LINKLATERS**

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Mr. Byrne is a senior partner in the litigation practice at Linklaters in New York. Previously, he served as the head of the US litigation practice from 2006 to 2011, co-managing partner of the New York office from 2007 to 2011, and co-head of the global US practice from 2009 to 2011. In his practice, he handles complex white-collar criminal, government regulatory and civil litigation matters. He has particular experience in antitrust, securities, class action defense, commercial, bankruptcy, and First Amendment and media litigation. He also has extensive experience representing clients involved in all types of government and internal investigations, as well as related trial and appellate matters. Mr. Byrne brings to his practice several years of experience as a former federal prosecutor who previously served with the US Attorney's Office in Manhattan and the Criminal Division of the Department of Justice in Washington, DC.

Illustrative matters include representing:

- BAE Systems, in a DOJ investigation involving allegations of making false statements to the US government, and in a related civil derivative lawsuit which won dismissal in the federal district court.
- Takeda Pharmaceutical Company, a global pharmaceutical company involved in the largest criminal antitrust matter ever prosecuted criminally by the DOJ, and also handled the related civil class action litigations, all involving the world-wide vitamins industry.
- Royal Ahold, the international food provider, in its historic, precedent-setting settlements with the SEC and the DOJ (through the US Attorney's Office in Manhattan), where no monetary fines were imposed.
- Deutsche Bank, in all of its Enron-related litigations in the US.
- Credit Suisse and other underwriters, in a case alleging Section 11 and 12 violations in connection with the initial public offering of Agria Corporation.
- The Royal Bank of Scotland, in lawsuits arising out of the Clear Channel Communications transaction.
- The Joint Administrators of Lehman European Group Administration Companies, in US Chapter 11 cases of Lehman Brothers Holdings Inc. and related debtors and Securities Investor Protection Act proceeding of Lehman Brothers Inc.
- Lloyds TSB, in their settlements with US federal and state criminal and regulatory authorities related to US sanctions programs that are administered by the US Treasury Department's OFAC.
- Director of a major financial company, in an investigation for alleged breaches of US Securities Laws, in the context of the proposed acquisition of two large corporations.
- Aibel Group, in its plea agreement with the DOJ to resolve FCPA charges.

Benchmark has recognized Mr. Byrne as a local litigation star for a second year in a row. He is also recognized in *The Best Lawyers in America* (White-Collar Criminal Defense Leaders) and *New York Super Lawyers*. He is named a leading individual in *Chambers USA* and was featured in *Irish America's The Legal 100*.

Mr. Byrne is a member of the board of directors for the Police Athletic League of New York City since 2008.

He graduated *magna cum laude* from Hofstra University in 1981 and received his JD from New York University School of Law in 1984.

JAMES WARNOT**LINKLATERS**

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Mr. Warnot is a senior partner in the litigation practice at Linklaters in New York. His practice involves a variety of complex commercial litigation and arbitration, with an emphasis on financial services issues, including banking and securities litigation, fraud cases, mergers and acquisitions litigation and major contracts. He has also been active in various major antitrust class actions over the last few years and has extensive trial experience in bench and jury trials, arbitrations and evidentiary hearings.

Illustrative matters include representing:

- Deutsche Börse, in litigation commenced by shareholders of NYSE-Euronext seeking to enjoin the business combination between the two exchanges.
- Lehman Brothers International (Europe), in the liquidation proceeding of the Lehman Brothers US broker-dealer under the Securities Investor Protection Act.
- A major international bank, in an ICDR arbitration arising from the bank's private equity investment in a Chinese start-up company.
- Deutsche Bank and several of its affiliates, in proceedings brought in the Refco MDL by the liquidators of the SPhinX family of hedge funds, which were established to replicate the S&P Hedge Fund Index.
- Major international banks, in derivative disputes involving index-linked and fund-linked products and related hedging strategies.
- Air France KLM, in various antitrust civil class actions and governmental investigations concerning the air cargo and passenger industries.
- KPMG International, in consolidated cases brought by Madoff investors asserting claims of vicarious liability based on audits conducted by KPMG member firms.
- Galaxy Entertainment Group, in litigation by convertible bond holders concerning the applicable conversion rights under the bond indenture.
- Credit Suisse First Boston, in numerous industry and other arbitrations, many as lead counsel and including seven matters that have gone to evidentiary hearings.
- A Belgian/Dutch financial institution, in a securities class action alleging Section 10(b) and Rule 10b-5 violations arising out of the bank's public disclosures during the global credit crisis.
- Major industrial and financial services enterprises, in SEC investigations in which the enforcement division staff declined to recommend enforcement proceedings after issuing Wells notices.

Mr. Warnot is recognized by *Benchmark* as a local litigation star for the third year in a row.

Prior to joining Linklaters in 2003, Mr. Warnot was a litigation partner at Shearman & Sterling, where he worked from 1991 to 2003. For 12 years before that he had a career as an engineer at United Technologies and IBM. He graduated from Cornell University in 1978 with a BS in Mechanical Engineering, received an MS in Mechanical Engineering from Rensselaer Polytechnic Institute in 1986 and his JD *summa cum laude* from Pace University in 1991.

Mr. Warnot is a member of the American Bar Association, Litigation Section. He is also a member of the Arbitration and Mediation Committee and Intellectual Property Owners Association.

McDermott Will & Emery

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Co-chairs: Jeffrey E Stone, Peter JSacripanti
Number of partners: 523
Number of other lawyers: 529

Firm Overview

McDermott Will & Emery is a leading international firm with a diversified business practice. For more than 75 years, our lawyers have served a broad range of client interests and understand the issues faced by corporate decision makers. We know how economic, social and political issues affect operations because our lawyers have navigated the complex business and regulatory environment themselves.

Litigation Overview

Clients turn to the litigation lawyers of McDermott to manage their toughest challenges. McDermott connects clients with skilled litigation lawyers who provide winning strategies for bench and jury trials, arbitrations and alternative dispute resolutions, including mediations and summary jury trials.

Our experienced team engages in every aspect of civil, regulatory and commercial defense litigation in:

- Antitrust
- Appellate advocacy
- Class action
- Intellectual property
- International arbitration
- International trade
- Labor and employment
- Product liability
- Securities
- Trade regulation
- White-collar and securities

McDermott lawyers take on the most demanding cases for clients across many industries, including aviation, consumer products, energy, environmental, financial, health care, hospitality, insurance, life sciences and technology. In addition to our work for public companies, we work with McDermott's private client, tax and corporate lawyers to serve privately held companies and individual clients in matters requiring special sensitivity and discretion. Our lawyers also handle emergency situations such as temporary restraining orders and preliminary injunctions.

We understand each case presents different facts, issues and objectives, and we tailor our staffing and strategy appropriately. McDermott has handled thousands of mediations, arbitrations, trials and appeals. Our litigation lawyers have successfully argued appeals before the Supreme Court of the United States, the 13 judicial circuits of the US appellate courts and numerous state appellate courts. Outstanding client service is a cornerstone of our practice—one that has withstood the test of geography, economy and time. We are proud of the recognition we have received from clients for our commitment to service, and we consider their satisfaction the best measure of our success.

Offices

McDermott has offices in Boston, Brussels, Chicago, Düsseldorf, Houston, London, Los Angeles, Miami, Milan, Munich, New York, Orange County, Paris, Rome, Silicon Valley and Washington, DC. The Firm has a strategic alliance with MWE China Law Offices (Shanghai).

JAMES N BENEDICT



MILBANK TWEED HADLEY & McCLOY

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James N Benedict is chairman of the Litigation Department of Milbank Tweed Hadley & McCloy and head of its Securities Litigation Practice Group. He has been consistently honored by *Chambers USA* as one of the nation's leading securities litigators and in 2009 was the recipient of the *Chambers USA* Award for Excellence in Securities Litigation. He has also regularly been selected by *Lawdragon* magazine as one of the *Lawdragon 500 Leading Lawyers in America*.

Mr. Benedict has handled several hundred major class and shareholder derivative actions alleging violations of state and federal antitrust and securities laws, including some of the largest class actions in the nation, such as *In re Initial Public Offering Securities Litigation* (SDNY), *In re Merrill Lynch & Co. Inc. Research Reports Securities Litigation* (SDNY), *In re Enron Corporation Securities, Derivatives and ERISA Litigation* (SD Tex.), *In re Mutual Funds Investment Litigation* (D. Md.), and *In re VisaCheck/MasterMoney Antitrust Litigation* (SDNY).

Mr. Benedict also has over 35 years experience representing mutual fund investment advisers and their affiliates in litigation under the federal securities laws, including successfully defending over 100 excessive management fee suits and other actions mounted against some of the country's largest investment advisors, such as AllianceBernstein, American Century, Capital Research, Citigroup, Deutsche Bank, Dreyfus, Federated, Fidelity, ING, Legg Mason, Merrill Lynch, Neuberger Berman, Prudential, and SunAmerica. These suits include *Gartenberg v. Merrill Lynch Asset Management, Inc.*, the first case to be tried on the merits under the Investment Company Act of 1940 and remains the leading case in that area; and *Krinsk v. Fund Asset Management Inc.*, the first case to be tried involving the propriety of a Rule 12b-1 distribution plan.

Recently, Mr. Benedict successfully tried the Capital Research excessive fees action, one of the largest (if not the largest) securities actions ever to go to trial, and the first excessive fee case in the mutual fund industry to be tried to judgment in more than 20 years. The case challenged the receipt by Capital Research and its affiliates of more than \$15 billion in investment advisory, Rule 12b-1, and administrative fees paid by eight of the largest American Funds over the period 2003-2009. After a two week trial, the court rendered a 105-page opinion dismissing plaintiffs' complaint with prejudice. *In re American Mutual Funds Fee Litigation*, No. CV 04-5593 GAF (RNBx) (CD Cal. Dec. 28, 2009).

Mr. Benedict received a BA *magna cum laude* from St. Lawrence University (1971), where he was a member of *Phi Beta Kappa*, and a JD from Albany Law School at Union University (1974), where he was lead articles editor of the *Albany Law Review*.

Milbank

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Vice Chairman: Scott A Edelman

Number of partners:
Worldwide: 145
US: 106

Number of other lawyers:
Worldwide: 441
US: 344

Other offices:
Beijing, Frankfurt, Hong Kong, London, Los Angeles, Munich, São Paulo, Singapore, Tokyo, Washington DC

Firm profile:

Milbank Tweed Hadley & McCloy is a pre-eminent global law firm that for more than 140 years has provided innovative legal solutions in some of the world's largest, most complex, 'first-ever' litigation. With over 500 lawyers in offices throughout the US, Europe, Asia and Latin America, the firm provides a full range of legal services to clients facing complex legal and business challenges in forums around the world. Milbank's clients range from prominent multinational financial, industrial and commercial enterprises to governments, institutions and individuals.

Litigation & arbitration practice

Chairman: James N Benedict
Practice Group Leader: Alan J Stone

Litigation is the largest and fastest growing practice area at Milbank with more than 140 attorneys, including 30 partners and several former federal prosecutors, former SEC attorneys, and attorneys who have achieved pre-eminent reputations in the areas of securities litigation, patent infringement, corporate control contests, and reinsurance, among other areas of the law. Milbank litigators serve as lead counsel in some of the largest, most significant and highest-profile disputes in the world. The firm regularly represents major US and non-US corporations in bet-the-company cases ranging from multi-jurisdiction securities litigations to white collar/regulatory investigations to complex disputes involving bankruptcy and corporate restructuring, intellectual property, insurance/reinsurance, mergers, acquisitions and corporate control contests, antitrust, trusts and estates and other commercial litigation.

The attorneys in Milbank's litigation department pride themselves on being trial lawyers. They frequently try cases in federal and state courts throughout the country, and before domestic and international arbitral

tribunals in many different kinds of matters. Milbank attorneys have tried prominent cases involving federal securities laws, patent infringement, corporate control contests, accounting fraud, and financial restructuring.

Milbank's attorneys tailor their strategies to each client's specific needs, taking into account the client's goals and risks. Crucial to the firm's effective representation of clients is the development, at the outset of a case, of an approach that will maximize a client's likelihood of success and reduce its risk exposure. The firm's Litigation Department has the ability to respond to a crisis facing a client by assembling an integrated team of attorneys who have the expertise to explore a wide range of strategic alternatives, from pursuing a consensual resolution to seeking immediate recourse to courts, where appropriate.

Among Milbank's clients are many of the world's leading companies and financial institutions, including ABN AMRO, AllianceBernstein, Apple, AstraZeneca, AXA Financial, American Century, Banc of America Securities, Bank of New York Mellon, Bayer, Capital Group, Citigroup, Credit Suisse Securities, Deutsche Bank, Federated Investors, Fidelity, Fisher-Price, Fujitsu, Goldman Sachs, Hitachi, ING, JPMorgan Chase, Legg Mason, Lockheed Martin, Merck, Morgan Stanley, NASCAR, NYSE Euronext, Prudential Financial and UBS.

Milbank's attorneys also frequently pursue appeals for their clients. Although an appeal certainly requires a different approach than a trial, Milbank's attorneys most often pursue appeals in cases that they have tried or argued at the dispositive motion stage, an approach that has proved highly successful. In addition, Milbank's attorneys have been asked to pursue the appeal of cases in which Milbank was not involved at the trial court level. A significant majority of Milbank's litigation partners have appellate experience in either state or federal court or both.

SCOTT A EDELMAN**MILBANK TWEED HADLEY & McCLOY**

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Scott A Edelman is Vice Chairman of Milbank and a member of the firm's Litigation Department. Mr. Edelman's practice spans contested civil, criminal and SEC enforcement litigation matters, corporate investigations, as well as providing advice on corporate governance and related issues. He joined Milbank in 1994 and became a partner in 1995. Mr. Edelman served as an assistant United States attorney in the Southern District of New York from 1990 to 1994, where he tried numerous securities-related crimes to jury verdict and argued numerous appeals before the Second Circuit.

Mr. Edelman has been recognized as one of the nation's best lawyers by numerous publications, including *Benchmark Litigation*, *The Best Lawyers in America*, *Lawdragon's 500 Leading Lawyers in America*, *500 Leading Litigators in America* and *100 Lawyers You Need to Know In Securities Litigation*, and *Legal 500*. *Chambers USA* has consistently cited Mr. Edelman as a leading practitioner, both in securities and white-collar crime & government investigations.

Mr. Edelman has handled numerous civil litigation matters, including most recently the representation of private equity fund Cerberus Capital Management and its affiliates in defending a claim brought by United Rentals, seeking to compel Cerberus' affiliates to close on a multi-billion dollar merger. After an expedited trial in Delaware Chancery Court, Cerberus obtained complete relief which held that Cerberus' affiliates were not obligated to close the merger transaction. He also represented the REFCO Creditors' Committee in obtaining a \$1.3 billion pre-judgment attachment against, and subsequent \$508 million settlement with, Austrian Bank BAWAG. In addition, Mr. Edelman represented Jardine Lloyd Thomson, one of the world's leading insurance brokerage firms, in a number of civil litigations arising out of the demise of Bennett Funding, one of the largest Ponzi schemes in history.

Mr. Edelman is currently handling numerous other civil litigation matters for a wide variety of financial institution and corporate clients, and is also active in representing individuals and institutions in connection with various regulatory and criminal investigations.

Mr. Edelman is a graduate of Yale College, where he simultaneously obtained BA (*summa cum laude*) and MA degrees, both in Economics, and was elected to *Phi Beta Kappa*. Mr. Edelman is a graduate of Harvard Law School, where he was a member of the *Harvard Law Review* and a John Olin fellow in Law and Economics.

DAVID R GELFAND**MILBANK TWEED HADLEY & McCLOY**

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David R Gelfand is a partner in Milbank's litigation department. He joined the firm as an associate in 1987 and became a partner in 1996. From 2001 through 2009, Mr. Gelfand was the practice group leader of the Litigation Department.

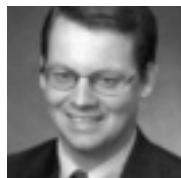
Mr. Gelfand's litigation practice is highly diversified, with a concentration in complex civil and corporate litigation. He regularly represents financial institutions and corporations in class actions, securities and bankruptcy litigation cases. He has tried jury and non-jury trials in state and federal courts throughout the country and has extensive experience representing clients in fiduciary and estate litigation.

Mr. Gelfand serves on the Disciplinary Committee of the New York State Supreme Court, First Department. He is a member of the board of directors of The Fund for Modern Courts, a nonprofit organization committed to improving the administration of justice in New York. Mr. Gelfand also serves as a member of the board of trustees of The Green Vale School in Old Brookville, Long Island. Mr. Gelfand is a member of the American Bar Association and DC Bar Association, and the Association of the Bar of the City of New York, where he served on the Committee on Judicial Administration.

Mr. Gelfand is admitted to practice before the bars of the State of New York and the District of Columbia, the US Supreme Court, the US Courts of Appeals for the Second, Fifth, Seventh and Eleventh Circuits, and the US District Courts for the Southern and Eastern Districts of New York, and the Eastern District of Wisconsin.

Mr. Gelfand has been recognized as a leading lawyers in America for general commercial litigation by *Chambers USA*, *Benchmark Litigation* and *New York Super Lawyers*. He has authored articles and lectured on various aspects of litigation and trial practice.

Mr. Gelfand received his BA from Vanderbilt University in 1984. He received his JD from Vanderbilt University School of Law in 1987, where he served as an editor of the *Vanderbilt Journal of Transnational Law*.

SEAN M MURPHY**MILBANK TWEED HADLEY & McCLOY**

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Sean M Murphy is a partner in the Litigation Department of Milbank Tweed Hadley & McCloy.

Mr. Murphy's practice focuses on complex securities matters. He has defended dozens of companies and financial institutions in multi-jurisdictional class action and derivative litigation under state and federal securities laws, including claims under the Securities Act of 1933, the Securities Exchange Act of 1934 and the Investment Company Act of 1940. He has represented investment advisers in class and derivative litigation involving management fees, revenue sharing, conflicts of interest, prospectus disclosure, distribution and trading, portfolio mismanagement, Rule 12b-1, board oversight and fiduciary duty litigation. Some of the largest financial institutions Mr. Murphy has represented include Citibank, Merrill Lynch, Fidelity, Capital Group, AllianceBernstein, American Century, Dreyfus, Federated Investors, First Trust Advisers, Legg Mason, Neuberger Berman, Prudential, Putnam, Royal Bank of Canada, Salomon Smith Barney and Waddell & Reed.

Mr. Murphy also has substantial commercial litigation and antitrust experience involving complex issues including conspiracy or monopolization allegations, exchanges of information, deal structuring, trade association membership, and vertical agreements and relationships. He has also worked on antitrust investigations by the Federal Trade Commission and the Department of Justice, and has obtained regulatory clearance on numerous mergers and acquisitions involving assets of over \$1 billion. Mr. Murphy has represented clients such as DuPont, Hearst Corporation, Nine West, Shell Oil and Tyco International, on a wide range of antitrust issues.

Mr. Murphy has spoken on a number of panels about complex litigation issues, and has written numerous articles, including *The Trial of a Securities Case* (1996), *Litigation Under the Private Securities Litigation Reform Act* (1997), *Recent Developments in Litigation Under the Investment Company Act of 1940* (2004), *Mutual Funds Under Scrutiny* (2005) and *Securities Plaintiffs Turn to Class Actions Under ERISA* (2008), *Court Finds Implied Private Right of Action Under the Investment Company Act* (2009), and *The SEC's Mutual Fund Fee Initiative: What to Expect* (2010). Recently, he also co-authored a chapter of a textbook titled *Litigating Securities Class Actions* (2011).

Mr. Murphy has been recognized as a leading litigator by various publications, including *The American Lawyer's* The Young Litigators Fab Fifty, *LawDragon's* 500 Leading Lawyers in America, 500 New Stars, and 100 Lawyers You Need to Know in Securities Litigation. *Legal 500* has described him as "one of the best young lawyers for securities shareholder litigation anywhere in the country." Mr. Murphy also has been consistently recognized as a leading securities lawyer in *Benchmark Litigation*, *Chambers USA* and *New York Super Lawyers*.

Mr. Murphy received his *Juris Doctorate* with honors from Albany Law School, where he was an Associate Editor of the *Albany Law Review*. He received his BA with honors from St. Lawrence University.

DANIEL M PERRY**MILBANK TWEED HADLEY & MCCLOY**

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Daniel M Perry is a partner in the Litigation Department of Milbank Tweed Hadley & McCloy. Mr. Perry's practice focuses on federal and state court litigation of complex commercial matters involving securities and corporate law, insurance and reinsurance, mergers and acquisitions, and financial restructuring. He has also been active in representing individuals and institutions in connection with various regulatory and criminal investigations. He has tried cases in federal and state courts around the country and conducted multiple arbitrations.

Some of the notable civil litigation matters that Mr. Perry has handled include the successful representation of Cerberus Capital Management and its affiliates in defending claims brought by United Rentals, seeking to compel Cerberus' affiliates to close a multi-billion dollar acquisition; NASCAR in defending claims brought by AT&T seeking to compel NASCAR to allow AT&T to replace the Cingular logo with the AT&T logo on the #31 car in NASCAR's Sprint Cup Series; Neuberger Berman Real Estate Income Fund, a closed-end fund regulated under the Investment Company Act of 1940, in connection with litigation arising out of an attempted hostile takeover of the fund; Station Casinos, in connection with various litigation arising out of the bankruptcy cases of Station and its subsidiaries; and GMAC and Residential Funding Corporation in connection with various litigation and arbitration arising out of the current difficulties in the real estate market.

Mr. Perry has also been active in representing corporate officers and directors, and institutions in connection with various regulatory and criminal investigations, including accounting fraud and other investigations relating to foreign exchange practices, corporate financial statements, options backdating investigations, market timing and late trading of mutual funds, market manipulation arising out of various PIPE transactions, and financial transactions implicating United States sanctions laws.

Benchmark Litigation recently included Mr. Perry among New York's Future Stars. He frequently speaks and writes about litigation in the insurance and reinsurance industry, as well as financial restructuring and securities litigation. Mr. Perry graduated *Phi Beta Kappa* with a BA degree from the University of Wisconsin-Madison in 1996. He received his law degree *cum laude* from Cornell Law School in 1999. Mr. Perry is admitted to practice before the Bars of the States of New York and California.

ALAN J STONE

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Alan Stone is a partner in the Litigation Department of Milbank Tweed Hadley & McCloy LLP and the Practice Group Leader of the firm's global litigation department.

Mr. Stone's practice focuses on corporate and business litigation, and more specifically on cases involving complex business valuation disputes. He also works on non-litigation matters that involve a variety of corporate governance and Delaware law issues, including advising corporate boards of directors and special committees with respect to transactional and litigation issues.

A prominent figure in the Delaware legal community for more than 20 years, Mr. Stone has tried fraudulent transfer cases, as well as a variety of restructuring related cases. He also has represented directors, officers and corporate entities in actions challenging their exercise of fiduciary duties in the context of mergers, going-private transactions and other transactions involving controlling or majority stockholders, as well as in derivative litigation. Representing clients across a broad range of industries, Mr. Stone has led more than thirty first-chair trials and major matters over the past ten years. Mr. Stone has also argued appeals before the Delaware Supreme Court.

Among the notable matters that Mr. Stone has handled are:

- *3V Capital Master Fund Ltd., et al. v. Official Comm. of Unsecured Creditors of TOUSA, Inc., et al. (In re TOUSA, Inc.)*, in which Milbank defended a group of lenders against unprecedented fraudulent transfer claims aimed at recouping more than \$400 million that they were repaid on a valid debt. Key issues in the case involved the solvency of TOUSA and its many subsidiaries at the time of the repayment and the value of the benefits the subsidiaries received in granting liens to secure the repayment. After a thirteen-day bench trial, the Bankruptcy Court for the Southern District of Florida ruled against the lenders. On appeal, Milbank secured an order from the district court quashing the bankruptcy court's findings.
- *In re John Q Hammons Hotels*, in which Milbank defended the acquirer of a hotel company in a shareholder suit seeking damages for the allegedly unfair price paid for the company. The suit turned on the value of the company at the time of the acquisition, implicating a number of complex valuation issues relating to the future value of the company. Following a trial in the Delaware Court of Chancery, the court ruled in favor of the defendants, finding that the price paid for the company was "entirely fair."
- *ASARCO LLC v. Americas Mining Corp.*, in which Milbank defended against fraudulent transfer and various other claims stemming from the debtor's sale of a controlling interest in a subsidiary company. Key issues in the case involved the solvency of the debtor at the time of the transfer, as well as the value of the shares in the subsidiary company at the time of the transfer and the value of the consideration that the debtor received in exchange for the shares. Despite finding that the shares were transferred with the intent to defraud creditors, the United States District Court for the Southern District of Texas found that the debtor received reasonably equivalent value for the shares.

Mr. Stone is a member of the bars of the State of New York, the Southern District of New York, the State of Delaware, the US District Court for the District of Delaware and the US Court of Appeals for the Third Circuit. He received his BSE in biomedical engineering from Tulane University and his law degree, *magna cum laude*, from Tulane Law School, where he was a senior notes and comments editor of the *Tulane Law Review*.

Mr. Stone clerked for the Honorable Andrew G T Moore II of the Delaware Supreme Court from 1986-1987.

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Firm Profile:

For nearly 40 years, Morvillo Abramowitz has helped institutional and individual clients with complex white-collar matters, securities litigation and sophisticated business disputes. Our attorneys litigate cases at all levels of the federal and state courts, in arbitration, and before government agencies, self-regulatory organizations and other tribunals. The firm also has broad experience conducting internal investigations on behalf of corporate clients, and provides litigation-avoidance advice and other confidential legal counseling, often in highly sensitive contexts.

Our firm has an active trial docket, and our principals have substantial trial experience. This ensures that our clients will receive the best possible representation at trial. Moreover, our reputation for courtroom skill is well-known to our adversaries. This provides our clients with an additional advantage in settlement and other negotiations. We have had notable success in convincing the government not to indict identified grand jury targets, thereby also helping individuals and corporations avoid criminal charges altogether. Where there is an indictment, we are often able to obtain favorable pre-trial dispositions. Similarly, in civil disputes, our ability and willingness to try high-stakes cases often helps us achieve advantageous settlements without trial. In addition to our pretrial and trial experience, we have a significant appellate practice. We regularly handle civil and criminal appeals in federal and state appellate courts throughout the nation.

Litigation:

White-Collar Defense: As trial attorneys, we represent clients at all stages of white-collar criminal litigation in federal, state, and local courts. Our cases frequently focus on alleged economic crimes, but we also are experienced in handling complex matters involving allegations of environmental offenses; customs, insurance, and healthcare fraud; violations of the False Claims Act, the Foreign Corrupt Practices Act and federal and state antitrust laws; labor-related offenses; criminal tax; and theft of intellectual property, bribery, and political corruption. Whether or not a case goes to trial, our attorneys understand that every step of a case requires their full attention and effort, and that pretrial preparation and strategy are as important to a successful defense as masterful courtroom representation.

The firm's experience working with the government in connection with criminal investigations is broad. Many of our principals are alumni of the Offices of the United States Attorneys for the Southern and Eastern Districts of New York, including three chiefs of the criminal division, two chief appellate attorneys, a chief of the major crimes unit, and a chief of the securities fraud unit. Our ranks also include a former regional administrator of the Securities and Exchange Commission.

Securities Litigation and Enforcement: The firm has substantial expertise in securities litigation and enforcement proceedings. We have represented

Offices: The firm has an office in Washington, DC.

Number of partners: 20

Number of counsel: 6

Number of other attorneys: 34

numerous individuals and corporations under investigation or charged with violations of federal and state securities laws and federal commodities laws and regulations. These matters often are highly sensitive and complex. In addition, the firm frequently is engaged to counsel officers and directors of public corporations concerning their legal obligations, including their duties under the Sarbanes-Oxley Act.

The firm regularly represents clients in investigations and administrative proceedings brought by the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Reserve Bank, and self-regulatory organizations, including the New York Stock Exchange and the Financial Industry Regulatory Authority.

Civil Litigation and Counseling: An important part of the firm's practice is sophisticated civil litigation for a diverse group of clients. We have litigated a wide variety of high-profile and complex civil cases, drawing on our reputation and skills as trial attorneys to win the best results for our clients, regardless of whether the case ultimately goes to trial.

We have represented prominent financial institutions and public companies, officers and directors of major corporations, and numerous smaller organizations and individuals. We have handled securities fraud, RICO, and antitrust litigation; employment discrimination cases; copyright, trademark, and trade secret disputes; partnership disputes; and claims of fraud, breach of contract, and business torts. We also frequently represent attorneys, accountants, and other professionals responding to allegations of misconduct, including allegations brought by adversaries during pending litigation, by dissatisfied clients, and by regulators in proceedings before administrative bodies or disciplinary committees.

In addition to our active practice in federal and state trial and appellate courts across the country, we frequently litigate cases before domestic and international arbitration panels and assist our clients with mediation and other alternative dispute resolution techniques. Many of our principals have served as arbitrators or mediators, giving us additional insight into effective practice in this arena. We also regularly counsel clients on litigation avoidance and pre-litigation dispute resolution.

Internal Investigations and Counseling: Institutional clients often retain the firm to conduct sensitive internal investigations aimed at uncovering or resolving allegations of officer, director, trustee, or employee misconduct at corporations and not-for-profit organizations. In the course of these internal investigations, we often advise corporate clients seeking clarification and counsel regarding the necessity and wisdom of referring individual criminal cases to law enforcement, or engaging in voluntary cooperation with and disclosure to government authorities under agency rules, Department of Justice guidelines, or the Sarbanes-Oxley Act.

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Firm Managing Partner and Co-Chair:

Robert P LoBue

Firm Co-Chair:

William F Cavanaugh, Jr.

Combining our national recognition in trial work involving advertising, patents, copyrights, trademarks, products liability and media law with the experience of litigators who have successfully argued numerous landmark appeals, Patterson Belknap's appellate group makes a difference to corporations nationwide. Clients work not only with appellate practitioners having a track record of success, but also with practitioners deeply grounded in the subject matter of the appeal. Our group is home to former clerks for the US Courts of Appeals for the First, Second, Third, Fifth, Sixth, Seventh and Ninth Circuits as well as the US Supreme Court.

One of our greatest strengths—and one of the greatest advantages for clients—is that Patterson Belknap's lawyers actually try cases and argue appeals. Because we are in the courtroom regularly, we bring extensive first-hand experience with judges, along with knowledge of the rules and customs in federal and state jurisdictions across the country when setting appellate strategy.

The firm's clients include Fortune 500 corporations and individual officers and directors of large companies in industries such as pharmaceuticals, medical devices, biotechnology, financial services, manufacturing, technology, media and entertainment and sports.

We are a leader in intellectual property litigation and our attorneys are recognized among the leading practitioners in the nation. Our patent attorneys have secured successful outcomes for clients at both the trial and appellate levels. The National Law Journal has included a number of our appellate patent victories on their lists of top verdicts.

For over a decade, we have represented a medical device manufacturer in a series of 'bet-the-company' patent litigations, relating to coronary stents. We prevailed in a number of appeals over the course of the litigation, including the affirmance of jury verdicts of \$271 million and \$324 million. In those cases, the district court entered a judgment of over \$1.2 billion for our client, including post-verdict damages and prejudgment interest.

Our attorneys have pioneered the law of false advertising, having represented consumer products companies in many of the false advertising cases decided by the US Court of Appeals for the Second Circuit in the past two decades. We have argued many important false advertising appeals, including a landmark case for a major pharmaceutical company that was the first Lanham Act case to hold that a product's trademarked name could constitute false advertising. We also won precedent-setting rulings from the Second Circuit regarding implied advertising claims and commercials that are literally false solely because of their visual images. We recently obtained for our client a preliminary injunction enjoining satellite providers from airing nationally broadcast television commercials. After successfully arguing the appeal, the Second Circuit redefined several key doctrines in the law of false advertising.

Companies facing copyright issues regularly rely on our appellate attorneys, who include a past trustee of the Copyright Society of the USA and a former chair of the Association of the Bar of the City of New York's committee on copyright and literary property. For a number of artists, we have filed amicus briefs with the US Supreme Court in cases involving the federal flag desecration statute and the constitutionality of the decency provision in the NEA statute.

WILLIAM F CAVANAUGH**PATTERSON BELKNAP WEBB & TYLER**

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William Cavanaugh is co-chair of the firm. His areas of concentration include antitrust, intellectual property and commercial litigation.

Mr. Cavanaugh recently served as deputy assistant attorney general of the United States for civil enforcement in the antitrust division of the Department of Justice. During his time in Washington, Mr. Cavanaugh directly supervised the division's work on a number of high-profile matters including the Google Book Search settlement agreement and the Ticketmaster and Live Nation merger.

A skilled trial attorney with extensive experience in both state and federal courts as well as in arbitration, Mr. Cavanaugh has served as national and trial counsel in several large multiparty antitrust and fraud litigations in federal and state courts across the United States. His clients include major pharmaceutical, medical device and financial services companies.

Mr. Cavanaugh's trial experience includes securing defense verdicts in a multi-billion dollar antitrust class action, civil fraud class actions and representing a plaintiff medical device manufacturer in back-to-back jury verdicts of \$325 million and \$271 million in patent infringement cases against two competitors. He has also successfully tried a number of Hatch-Waxman patent cases and represented a number of major healthcare companies in arbitrated contract disputes.

Mr. Cavanaugh has been inducted as a Fellow of the American College of Trial Lawyers. *Chambers USA* has recognized him in the area of Intellectual Property. He has been listed in *The Best Lawyers in America*[®] for Antitrust Law and Commercial Litigation. .

Mr. Cavanaugh graduated from St. John's University School of Law in 1980.

GREGORY L DISKANT**PATTERSON BELKNAP WEBB & TYLER**

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Gregory Diskant is a senior litigation partner at Patterson Belknap, where he served as chair from 1997-2007. As part of his active trial practice, Mr. Diskant regularly tries cases in federal and state courts and before arbitration panels, focusing on complex commercial, securities and intellectual property litigation. He has secured billions of dollars in judgments and settlements for his clients, with multiple verdicts greater than \$100 million. In jury trials around the country, Mr. Diskant has successfully represented both plaintiffs and defendants. Two of his jury victories for plaintiffs were cited as major plaintiff's verdicts of the year; two of his jury wins for defendants were cited as major defendant's verdicts of the year. In February 2010, he obtained a settlement in a series of patent cases of \$1.7 billion, the largest patent settlement ever.

Mr. Diskant is a fellow of the American College of Trial Lawyers and is ranked in *Best Lawyers in America* in the areas of Bet-the-Company Litigation, Commercial Litigation and Intellectual Property Litigation. He is also listed in *Chambers USA* and *Super Lawyers* in the area of Intellectual Property Litigation.

Prior to joining Patterson Belknap Mr. Diskant served as assistant united states attorney for the Southern District of New York from 1976-1980 and chief appellate attorney in 1980. He also served as a law clerk to the Hon. Thurgood Marshall, Supreme Court of the United States and the Hon. J. Skelly Wright, US Court of Appeals for the District of Columbia Circuit.

Mr. Diskant graduated from Columbia Law School in 1974 and was the editor-in-chief of *Columbia Law Review*.

PHILIP R FORLENZA**PATTERSON BELKNAP WEBB & TYLER**

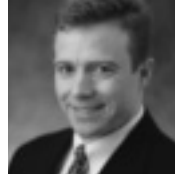
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Philip Forlenza is a senior litigation partner and co-chair of the firm's mortgage and credit crisis team, which comprises more than 60 lawyers. Mr. Forlenza has extensive experience representing clients in high-stakes disputes over complex financial instruments, including residential backed mortgage securities, collateralized debt obligations, credit default swaps and other derivatives.

He currently oversees over 50 litigators working on eight active law suits on behalf of financial guaranty insurers against major financial institutions involving several billion dollars in claims relating to residential mortgage-backed securities transactions.

Mr. Forlenza is also co-chair of the firm's nationally-recognized law firm defense group. For over 25 years, he has represented law firms in cases alleging malpractice, conflict of interest, breach of fiduciary duty and fraud. He also represents law firms and law firm partners in compensation disputes. He has been highly successful with dispositive motions, obtaining dismissal of claims against clients at an early stage in many cases.

Mr. Forlenza has extensive trial and arbitration experience and has argued appeals before the United States Supreme Court, Second Circuit Court of Appeals and New York Court of Appeals. He has conducted numerous investigations of sensitive corporate matters for Fortune 500 and major foreign companies. He has been selected for inclusion in *The Best Lawyers in America*® for Banking & Finance, Bet-the-Company Litigation, Legal Malpractice Law and Commercial Litigation.

ERIK HAAS**PATTERSON BELKNAP WEBB & TYLER**

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Erik Haas is a partner in the firm's litigation department, concentrating his practice in complex commercial litigation for both domestic and foreign clients. In addition to a wide range of general commercial disputes, his practice currently includes matters involving (i) complex securities and securitizations, (ii) federal False Claims Act defense, (iii) shareholder class actions, (iv) joint venture and complex contractual disputes (v) antitrust, and (vi) intellectual property litigation, including false advertising, patents and trademarks.

Mr. Haas is one of the founding partners of the firm's subprime and mortgage-backed securities litigation practice. He is the lead litigator on a series of law suits brought for and against financial guarantors that have been commenced since the onset of the subprime mortgage meltdown in 2007. Mr. Haas and his litigation team recently secured the largest-reported settlement in one of these matters on behalf of a financial guarantor. As this settlement reflects, Mr. Haas's years of securities litigation experience representing international entities in complex derivative disputes, and background in structured finance and accounting, has provided him with a sophisticated understanding of these complex matters.

Another significant component of Mr. Haas's practice is the representation of major institutions in investigations and litigations brought under the False Claims Act. He recently defended a large multinational corporation against claims in excess of a billion dollars. He also was a member of the litigation team that secured the only defense verdict in the multi-district pricing litigation, brought under unfair and deceptive act statutes and the False Claims Act, known as the 'average wholesale price' or 'AWP' litigation.

He also regularly defends major corporations against shareholder class action claims brought in state and federal court. Mr. Haas recently obtained a series of dismissals of major corporations in such matters. With respect to his antitrust practice, Mr. Haas secured a \$200 million settlement in an antitrust litigation brought by a large pharmaceutical client.

Mr. Haas has represented consumer product companies in false advertising actions brought in federal and state courts. Of note, he successfully recently represented the Federal Deposit Insurance Corporation in six related matters against banks and credit card companies involved in deceptive credit card offerings.

Mr. Haas joined the firm in 1993 upon his graduation from New York University of Law where he was presented with American Jurisprudence Awards. Before attending law school, he spent three years with Arthur Andersen & Company, where he focused on structured finance and securitization transactions, and secured his CPA license.

JEFFREY I D LEWIS**PATTERSON BELKNAP WEBB & TYLER**

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Jeffrey I D Lewis, a chemical engineer, is a member of the firm and a registered patent attorney, concentrating his practice in patent litigation. A graduate, cum laude, of Benjamin N Cardozo School of Law, Mr. Lewis served as an Alexander Judicial Fellow to Hon. Marion T Bennett of the US Court of Appeals for the Federal Circuit. He has represented both patentees and accused infringers in all aspects of patent litigation in many technologies, including the pharmaceutical innovator in numerous abbreviated new drug application (ANDA) patent litigations. He also regularly counsels clients on intellectual property matters, including providing formal opinions, and represents them in transactions.

In addition, Mr. Lewis is an adjunct professor of law at Benjamin N Cardozo School of Law, where he teaches a seminar on biotechnology and pharmaceutical patent law primarily for LLM and third-year students. Mr. Lewis is recognized by *Chambers USA*, which characterized him as "relaxed, gracious and exceptionally good in court." Mr. Lewis is also recognized by Super Lawyers in the area of Intellectual Property, by *Best Lawyers in America* for patent law, and is listed in *The International Who's Who of Life Sciences Lawyers*.

Mr. Lewis is president-elect of the American Intellectual Property Law Association (AIPLA), as of October 2011, as well as being a fellow of that association. The AIPLA criteria for being named a fellow are outstanding service to the association, prominence within the intellectual property profession, learned contributions to the profession, and observance of the highest standards of ethical conduct. He has been a member of the AIPLA Board of Directors, Chairman of the Patent Litigation Committee and its markman subcommittee on claim interpretation, and Vice Chairman of the Patent Law Committee. He was counsel of record for AIPLA as amicus curiae in both *Quanta Computer, Inc. v. LG Electronics, Inc.* and *KSR Int'l Co. v. Teleflex Inc.* before the Supreme Court, and appeared for AIPLA in the seminal *en banc* Federal Circuit case on patent opinions of counsel, *Knorr-Bremse Systeme Fuer Nutzfahrzeuge GmbH v. Dana Corp.* Mr. Lewis is also active in the New York Intellectual Property Law Association, where he currently serves on its amicus committee and previously chaired the pro-Bono committee, and the American Bar Association's intellectual property section where he chaired a subcommittee on willful patent infringement. He is also a member of the American Institute of Chemical Engineers. Mr. Lewis is on the advisory board of *IP Litigator* magazine, and he also is a frequent author and lecturer on patent and patent litigation issues. In addition, from 2007 to 2011, Mr. Lewis was a trustee of the American Intellectual Property Law Educational Foundation.

ROBERT P LOBUE**PATTERSON BELKNAP WEBB & TYLER**

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Robert LoBue, Patterson Belknap's co-chair and managing partner, has been a litigator with the firm for more than 25 years. His practice includes both a first-seat role in many of the firm's most significant complex antitrust and other business disputes as well as his long-time focus on intellectual property and First Amendment litigation and counseling. Mr. LoBue has argued numerous appeals in various federal and state courts including the Second, Sixth, Ninth and DC Circuits, and the appellate courts of New York, New Jersey and Florida. His extensive trial and appellate experience is recognized by *Chambers USA* in the area of Intellectual Property. The guide notes that he "stands out for his efficient and businesslike approach". *Chambers USA* also recognizes Mr. LoBue in the area of Media and Entertainment. He is co-author of the Media Law Resource Center's *50-State Survey of Media Privacy and Related Law* and of law review articles on journalist rights and federal procedure.

Mr. LoBue has served as the firm's general counsel and chair of its professional responsibility committee, and has served on bar association ethics committees.

Mr. LoBue undertook, at the request of Human Rights First and a group of retired federal judges, to write and file three amicus briefs in the US Supreme Court in cases relating to the 'War on Terror.' His broad appellate experience is reflected in the subject matter of appeals he has argued, including: copyright and trademark protection for cartoon characters; misappropriation of intellectual property rights in stock indices; media libel and invasion of privacy; antitrust; land use regulation, environmental review and local government law in connection with real estate development projects; commercial insurance coverage for a wide variety of losses; and tort liability of charitable donors for injuries incurred by subjects of funded research.

Prior to joining Patterson Belknap, Mr. LoBue served as a law clerk to the Hon. David N Edelstein, US District Court for the Southern District of New York.

DANIEL S RUZUMNA**PATTERSON BELKNAP WEBB & TYLER**

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Daniel Ruzumna is a partner in the firm's litigation department and leads its white-collar defense and investigations group. Mr. Ruzumna is also a part of the firm's mortgage and credit crisis team and its sports group. He has extensive trial and appellate experience, having served as lead counsel in numerous jury trials and arbitrations and having briefed and argued nearly a dozen cases before federal and state courts of appeal.

Mr. Ruzumna's practice focuses on the areas of white collar criminal defense and related regulatory proceedings, internal investigations, asset forfeiture proceedings, and complex financial litigation. He has represented corporations and individuals in many recent high-profile criminal and regulatory investigations involving alleged violations of the securities laws, antitrust laws, tax laws, and Foreign Corrupt Practices Act. Mr. Ruzumna also regularly conducts confidential investigations on behalf of clients, including a professional sports league, a university, financial firms, and media and entertainment companies. He has also represented private equity, media and telecommunications clients in complex financial litigations and international arbitrations.

Mr. Ruzumna is a frequent commentator on issues of criminal law, investigations, and asset forfeiture, and is often interviewed for television and newspaper stories on white collar criminal issues. He recently appeared on Bloomberg Television and an affiliate of CNBC to discuss the insider trading laws and recent prosecutions involving alleged violations of the securities laws.

Before joining Patterson Belknap in 2005, Mr. Ruzumna spent six years working at the United States Attorney's Office for the Southern District of New York, where he last served as acting chief of the major crimes unit, a unit of more than twenty federal prosecutors dedicated to investigating and prosecuting economic crimes and financial frauds. As a federal prosecutor, Mr. Ruzumna investigated and prosecuted white collar criminal cases involving bank fraud, mail and wire fraud, health care fraud, securities fraud, criminal tax violations, and money laundering. He also prosecuted organized crime and handled civil and criminal asset forfeiture actions. In 2004, Mr. Ruzumna received the Department of Justice's John Marshall Award for Asset Forfeiture, the department's highest honor, and acted as a lecturer and instructor of trial advocacy at the department's National Advocacy Center.

After graduation from law school, Mr. Ruzumna served as a law clerk to the late Hon. Jay C. Waldman, United States District Court for the Eastern District of Pennsylvania. Mr. Ruzumna then spent almost four years in private practice in Washington DC before becoming a federal prosecutor.

SAUL B. SHAPIRO**PATTERSON BELKNAP WEBB & TYLER**

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Saul Shapiro is chair of the firm's litigation department, a group of more than 125 lawyers. His practice focuses on complex commercial litigation, as well as intellectual property disputes. He has won the dismissal of numerous cases on pre-trial motions. He has also been lead counsel in seven trials, and he has been victorious in all four of the jury trials he has taken to verdict. Mr. Shapiro is an experienced appellate lawyer, and has conducted numerous internal investigations.

Mr. Shapiro also is co-chair of the firm's media and entertainment practice team, regularly representing entities ranging from major media and information services conglomerates to cable operators to internet companies in a broad range of disputes, as well as critical internal investigations. Recently, he successfully prosecuted a corporate espionage matter on behalf of a major financial information provider, and he is presently engaged in defending similar allegations made against a major media company.

Mr. Shapiro has been recognized as a local litigation star for New York each of the five years that Benchmark has been compiling its list of top litigators. Mr. Shapiro is also recognized as a leading practitioner in *Chambers USA*. *Chambers* has said of Mr. Shapiro, "[a] highly regarded player, the 'very responsive and creative' Saul Shapiro is admired for his 'depth of experience both in intellectual property issues and in litigation generally.' Clients found that 'he excels in internal investigations...as well as exercising good judgment so that disputes can be resolved as expeditiously and cost-effectively as possible.' Clients also praise the 'astute and highly talented' Mr. Shapiro for 'his understanding of the pressures facing clients' and 'his amazingly quick turnaround times.'

He is a 1986 graduate of *Yale Law School*, where he was an editor of the *Yale Law Journal*. After law school, he clerked for the Hon. Robert L. Carter in the Southern District of New York, before joining Patterson Belknap.

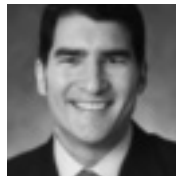
PETER W. TOMLINSON**PATTERSON BELKNAP WEBB & TYLER**

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Peter Tomlinson is a partner in the firm's litigation department, concentrating his practice in complex financial litigation, law firm defense and internal investigations. He has handled cases in various state and federal courts, at both the trial and appellate level. His victories include playing a key role in obtaining a \$298.5 million settlement from a major accounting firm in a fraud and negligence case. Mr. Tomlinson is currently representing financial guarantors in lawsuits against sponsors and originators of mortgage-backed securities. He also represents law firms in high-stakes cases alleging malpractice, conflict of interest, breach of fiduciary duty, and fraud.

Mr. Tomlinson has been recognized in *Euromoney / Institutional Investor's Benchmark: America's Leading Litigation Firms and Attorneys* as a Litigation Star for New York for the past five years. In addition, he is recognized in *Super Lawyers* in the area of Business Litigation and has received Martindale-Hubbell's highest AV rating.

Mr. Tomlinson graduated from Dartmouth College and received his JD from Emory University School of Law, where he was elected to the Order of the Coif. He served as a Law Clerk to both the Hon. Raymond J. Dearie, U.S. District Court for the Eastern District of New York, and the Hon. Will Garwood, U.S. Court of Appeals for the Fifth Circuit. He joined Patterson Belknap in 1996.

STEVEN A ZALESIN**PATTERSON BELKNAP WEBB & TYLER**

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For the past 25 years, Mr. Zalesin has represented the nation's leading manufacturers and service providers in a series of landmark cases that have shaped the law of false advertising, while helping to preserve and grow the markets for our clients' products. In one such case last year, Mr. Zalesin obtained summary judgment in favor of the world's largest beverage manufacturer, defeating a claim that the company's FDA-authorized label could nonetheless violate federal and state false advertising statutes. In another recent matter for the same client, he successfully defended the launch advertising for the company's reformulated sports drink against a federal court challenge by its chief competitor.

Mr. Zalesin has successfully represented the manufacturer of the leading no-calorie sweetener in a succession of false advertising and trade dress disputes. In 2004 and again in 2008, he won injunctions preventing competitors from selling products in packaging confusingly similar to our client's sweetener. In 2006, Mr. Zalesin obtained a string of rulings in six states, denying certification of putative classes of consumers who alleged that they had been deceived by advertising for our client's product.

In addition to Lanham Act and consumer fraud matters, Mr. Zalesin serves as lead counsel to *Fortune* 50 clients in the pharmaceutical, biotech and computer software industries in cases involving patent and IP licensing issues. Last year, he obtained summary judgment on behalf of the world's largest software company, demonstrating that a competitor's patent on voice recognition technology was obvious as a matter of law. He recently co-tried a multi-billion dollar case on behalf of the world's largest healthcare company over rights to one of the best selling biotech drugs.

Mr. Zalesin is listed in *Chambers USA* as a leading practitioner in the area of Advertising, where he is described as a "top-drawer," "trustworthy" and "highly desired advertising litigator." Clients praise his "superb conduct in front of judges and incredible industry knowledge."

Mr. Zalesin has also been recognized in *The Best Lawyers in America*® in the area of Advertising Law, and was recently named New York Advertising Lawyer of the Year for 2011.

Mr. Zalesin has substantial experience defending consumer class actions, and handles a variety of general commercial matters, including contract disputes. He has represented clients in numerous arbitration proceedings, and has successfully argued appeals in several circuits.

STEPHEN P. YOUNGER**PATTERSON BELKNAP WEBB & TYLER**

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Stephen Younger, immediate past president of the New York State Bar Association, is a leading commercial litigator who is also well-known for his alternative dispute resolution work. Having been with Patterson Belknap since 1985, Mr. Younger has more than 25 years of experience as a commercial litigator. As a seasoned trial lawyer, he has tried many cases in federal and state court and before arbitration panels. He also frequently argues appeals, particularly in the appellate courts of New York. Based on his significant ADR experience, he is often called on to serve as an arbitrator or mediator in high-stake matters.

Mr. Younger's clients include financial institutions, mutual funds, hedge funds, pension funds and venture capital firms involved in commercial, securities and real estate disputes. He has also developed an extensive practice representing Latin American companies in US-related matters.

In addition to his elected position with the state bar, Mr. Younger has sat on numerous New York State Bar Association committees. He is past chair of the New York State Bar Association's commercial and federal litigation section, having previously served as chair of its securities litigation committee and of its ADR Committee. He was appointed to governor Andrew M. Cuomo's transition committee and was also the transition director for Mr. Cuomo when he was the New York State attorney general. He was also appointed to the transition committee for attorney general Eric Schneiderman. Mr. Younger was a member of the transition committee for New York County District Attorney, Cyrus Vance. He is the chair of the executive advisory committee of the CPR institute for dispute resolution. He is on the board of directors of the fund for modern courts and received the fund's John J McCloy Award. Mr. Younger is counsel to the New York State Commission on Judicial Nominations which nominates New York's Court of Appeal Judges, and is a member of the first department judicial screening committee. He currently serves on the advisory committee to the commercial division of the New York State Supreme Court. He also served as a member of the chief judge's ADR task force. A long time trustee of Albany Law School, Mr. Younger is past president of its national alumni council.

Mr. Younger has spoken at more than 200 seminars and written over 30 articles in the fields of securities litigation, commercial arbitration and international dispute resolution.

Prior to joining Patterson Belknap, Mr. Younger served as Law Clerk to the Hon. Hugh R Jones, associate judge for the New York Court of Appeals.

BARRY SHER**PAUL HASTINGS**

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Barry Sher is the chair of Paul Hastings' securities litigation practice group, chair of the litigation practice in our New York office, and leader of one of the firm's top client relationship teams. He is recognized by Chambers USA: America's Leading Lawyers for Business, and by Euromoney's *Benchmark Litigation: America's Leading Litigation Firms and Attorneys*, has earned the highest possible Martindale-Hubbell Peer Review Rating, and is a recipient of the Burton Award for Legal Achievement, awarded each year for excellence in legal writing. Mr. Sher received his JD, with honors, from the University of Chicago Law School, where he was a member of the Law Review. He received his BS, with honors, from the Wharton School of the University of Pennsylvania.

Mr. Sher's practice is concentrated in commercial litigation, trials, and arbitration. He focuses on cases arising under the federal securities laws; breach of contract, fraud, and breach of fiduciary duty claims; contested takeover matters; and antitrust, RICO, tax and other disputes. Examples of his recent work include winning federal securities claims in two cases, one stemming from the Bernard Madoff ponzi scheme; obtaining dismissal of claims in cases brought against investment banks and another relating to CDOs, CDSs, and other complex derivative transactions, and defeating claims of fraud and inequitable conduct brought against his client, a large hedge fund, in connection with bankruptcy proceedings, other attempts include winning a private arbitration on behalf of a large US publishing company; obtaining summary judgment on behalf of a UK company in a case relating to a \$3 billion sale of a business; obtaining dismissal of RICO, fraud and other claims in a case involving structured loan products; and successfully defending one of the country's top ten insurance brokers in a nationwide antitrust action in which Mr. Sher was appointed by the court to the defendants' steering committee. Mr. Sher also handles confidential internal investigations and regulatory matters.

Mr. Sher has written extensively on issues within his areas of expertise. He is admitted to the bar in New York, and is admitted to practice before the United States Courts of Appeals for the Second, Third and Sixth circuits, and the United States District Courts for the Southern and Eastern Districts of New York and the Western District of Michigan.

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Firm Overview:

Proskauer is a global law firm with more than 650 lawyers worldwide. Recognized for matching technical excellence with strong business and industry acumen, Proskauer's standing in the marketplace puts the firm in a unique position to anticipate its clients' needs and adapt rapidly to changes in the business and legal landscape. Proskauer places a premium on client service and the firm's lawyers continuously seek out new developments and technologies to add value for their clients. Proskauer provides a full range of litigation, corporate, labor and employment, intellectual property, health care, personal planning, real estate, and tax services to businesses, not-for-profit institutions and individuals.

Litigation Overview:

The firm's Litigation & Dispute Resolution Department is comprised of more than 220 lawyers who work across Proskauer's 12 offices representing defendants and plaintiffs, multinationals, middle market and small-cap businesses, financial institutions, partnerships, and individuals.

Clients turn to the practice for its trial experience across a broad range of commercial litigation areas, including: antitrust and trade regulation; bankruptcy; criminal and regulatory defense and corporate investigations; false advertising and trademark; fiduciaries; insurance coverage; intellectual property, including copyright, digital life and patents; life sciences; labor and employment; media, sports and entertainment; privacy and data security; professional liability and malpractice; real estate; and securities. Proskauer also maintains an active appellate practice that handles appeals and advises on trial issues.

The firm's lawyers have held positions as: the Chiefs and Deputy Chiefs of divisions of US attorneys' offices in New York and the District of Columbia; General Counsel of the US Copyright Office; supervisors in the SEC; the NY Attorney General's Office; the office of the Corporation Counsel of the City of New York; US Attorney for New Jersey; and President, Police Commission, LAPD.

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Proskauer serves clients worldwide from its offices in Hong Kong, London, Paris and São Paulo.

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Chair of the firm: Brad S Karp

Litigation department co-chairs: Allan J Arffa, Jay Cohen and Theodore V Wells Jr.

Litigation Practice:

From the firm's inception, the Paul, Weiss litigation department has been involved in nearly every high-stakes litigation of its time, handling the most complex and threatening cases; cases that require cutting-edge and ground-breaking litigation strategies; cases that will shape the financial markets, corporate board rooms and society for decades to come.

First and foremost, we are trial lawyers. We handle high-stakes disputes in every forum, from state and federal trial and appellate courts to domestic and international arbitrations, and from alternative dispute resolution proceedings to administrative tribunals of all kinds. To each, we bring a sure grasp of the underlying substantive issues and the forensic skills and strategic insights necessary to produce successful results.

We believe that successful litigation requires comprehensive strategies carefully calibrated to each client's specific needs, risks and goals, and to the political, economic and social realities of the day. Our mission is to safeguard our clients' interests and contain their risk and exposure. Our approach takes into account all available tactics, weighing the relative effectiveness, risk and cost of each. We view it essential to formulate, early in the case, preliminary judgments about the client's exposure, the likelihood of success and the most cost-effective way to proceed. We then work with clients to develop jointly the optimal strategies to accomplish their legal and business goals.

We provide our clients with this focused, cost-effective representation in bet-the-company cases, as well as in traditional commercial actions, and we routinely handle matters on behalf of major corporations as well as entrepreneurs, for whom it is especially important that counsel understand how to achieve expeditious and cost-effective resolutions.

Paul Weiss is extremely well-prepared to handle the intensive document processing and management needs of complex disputes, having been among the first firms to tackle these issues on a large scale. Since then, we have invested continuously in both technology and personnel, creating a practice support and discovery services department that combines technology professionals and lawyers. As a result, we are able to manage efficiently in-house the information needs of large litigation matters.

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Litigation Practice:

The litigation group at Schulte Roth & Zabel serves a wide range of local, national and international clients, including securities firms, banks, insurance companies, public and private corporations and their officers and directors; investment managers and private investment funds (hedge funds, funds of funds and private equity funds); prime, clearing, introducing and interdealer brokerage firms; accountants, auditors and fund administrators; and real estate developers, educational institutions, estate trustees, public interest organizations, partnerships, and individuals, in matters ranging from general corporate and complex commercial disputes to more specialized areas, such as SEC and FINRA investigations and enforcement actions; private securities litigation, including class actions and derivative suits; federal and state criminal investigations and prosecutions (including antitrust, anti-money laundering, OFAC and FCPA matters); bankruptcy, reorganization and creditors' rights disputes; labor and employment litigation; intellectual property actions; and real estate, trusts & estates and family law disputes.

Our litigation group has more than 100 litigators, including a number of former assistant US attorneys and SEC Enforcement attorneys. We have extensive trial experience in complex, high-stakes civil and criminal litigation in federal and state courts throughout the United States; a proven appellate track record; success at negotiating favorable settlements; and experience with arbitration, mediation and other forms of alternative dispute resolution. When a client is the subject of civil, criminal, administrative and/or congressional proceedings simultaneously, our ability to represent that client in all arenas ensures a comprehensive, seamless and cost-effective defense. Our attorneys have also worked closely with company officials, audit committees, and special committees of boards of directors in the planning and conducting of internal investigations involving suspected wrongdoing by employees, management and/or third parties.

Firm Profile:

Founded in 1969, Schulte Roth & Zabel has 400 lawyers and offers legal counsel and representation in the following areas: litigation; investment management; regulatory and compliance; derivatives and structured products; business transactions; finance; bank regulatory; business reorganization; real estate; employment & employee benefits; tax; environmental law; insurance; intellectual property, sourcing and technology; and individual client services. The firm combines legal expertise, technological savvy and business acumen to provide the highest quality service.

SIDLEY AUSTIN LLP

SIDLEY

Firm Overview

Sidley Austin is one of the world's premier law firms, with a practice highly attuned to the ever-changing international landscape. The firm has built a reputation for being a powerful adviser for global businesses, with approximately 1700 lawyers in 17 offices worldwide. Sidley maintains a commitment to providing quality legal services wherever they are needed, offering advice in litigation, transactional and regulatory matters spanning virtually every area of law. The firm's lawyers leverage their diversity of knowledge and wide-reaching legal backgrounds with a dedication to teamwork, collaboration and superior client service.

Recognition

The firm has been recognized by its clients and by the media for its leadership in its litigation, transactional and international practices.

- Sidley is one of just three firms to have been in the top 10 of the *BTI Client Service* rankings every year since the inception of those rankings in 2001.
- Sidley received the most first-tier national rankings of any US law firm in the inaugural *US News – Best Lawyers: Best Law Firms* rankings for 2010.
- Sidley was named USA Law Firm of the Year 2011 in the *Who's Who Legal* awards.
- Sidley was named as one of the top 25 national corporate law firms in *Corporate Board Member* magazine's 2011 survey of corporate directors and general counsel, ranking America's Best Corporate Law Firms.
- Sidley consistently ranks among the top global capital markets firms in the *Thomson Reuters* league tables, with strong showings as both issuer and underwriter counsel in US debt and equity and international, Asia Pacific and Australia bonds.

Pro Bono

Pro bono service is an important component Sidley builds into daily work life, with the firm's lawyers devoting an average of almost 100,000 hours to pro bono service each year for the last three years. Such efforts include Sidley's role as a founding member of a national program of the Pro Bono Institute, National Veterans Legal Services Program and the American Legion, which provides assistance to wounded veterans.

Diversity

Sidley is one of the staunchest proponents of law firm diversity, embracing uniqueness in background, experience and viewpoints for a greater wellspring of talent. In 2011, the Women in Law Empowerment Forum included Sidley in its list of law firms qualifying for its new Gold Standard Certification – a designation for firms that have integrated women in top leadership positions and compensated them well. Sidley also received a perfect 100 score on the Human Rights Campaign's 2011 *Corporate Equality Index* (CEI) report, which evaluates companies based on their support for their LGBT employees.

Litigation Practice

Sidley has a litigation department of extraordinary depth and range that delivers outstanding results to its clients at every stage of the litigation process. Beyond its many litigation victories, some of the main areas that distinguish Sidley from its peers are its: premier US Supreme Court practice; cross-border litigation capabilities in the WTO and other international tribunals and IP litigation practice, which was named the IP Team of the Year by *Chambers USA* in 2011. More than 800 lawyers in the firm are engaged in litigation or related dispute resolution activities.

Recently, the firm was recognized for its work for American Electric Power Company, where Sidley secured a unanimous US Supreme Court victory in "the biggest-ever case on the issue of global warming," and for Microsoft, where the Federal Circuit vacated a \$358 million verdict in a closely watched patent case involving Microsoft's Outlook calendar function. Sidley's litigators have garnered victories in litigation ranging from mass products liability claims against GE regarding gadolinium-based MRI contrast agents, to patent disputes involving Blackberry smartphones manufactured by Research in Motion (RIM), to consumer fraud claims against Taco Bell regarding the beef content in products sold to more than two billion consumers. The firm continues to represent Citigroup in one of the largest private antitrust class actions in US history, challenging the fees and rules set by Visa and MasterCard. Sidley also continues its representation of Bank of America in litigation involving the Parmalat matter, described as "one of the largest and most brazen corporate financial frauds in history."

Sidley's litigators are at the forefront in the most important issues facing the industries in which its clients operate. *United States v. Harkonen*, for example, involves the prosecution of a pharmaceutical executive in a case testing the government's power to criminalize the expression of scientific conclusions with which it disagrees. Sidley plays a leading role in highly publicized climate change litigation across the country. It is currently defending three of four existing cases at the district and appellate levels involving tort claims involving greenhouse gas emissions.

Sidley's appellate team includes more than 80 lawyers nationwide with 18 former Supreme Court clerks. Its lawyers have briefed more than 190 cases on the merits since the practice began in 1985 and have argued more than 95 cases before the High Court. Ten Sidley lawyers have argued before the Supreme Court, and Sidley partner Carter Phillips has argued 71 cases in that court—more than any other lawyer in private practice.

Sidley has played a significant role in every recent term of the Supreme Court, and typically is involved in around 40% of the cases on the Supreme Court's docket. In the 2010 Term, Sidley represented parties in nine cases on the merits, and amicus in 15 others, and argued six cases. Sidley Partner Peter Keisler (former acting US attorney general) argued, and won unanimously, the high-profile case concerning global warming.

Sidley has substantial international dispute resolution capabilities in fora such as the World Trade Organization (WTO). Members of Sidley's WTO team have been involved in approximately 230 of the last 400 disputes brought before the WTO—more than any other law firm. Recent matters include representations of the governments of Norway, Brazil and Japan; AT&T and Anheuser-Busch. The firm recently prevailed in cases answering important questions about WTO procedures to protect sovereign markets from international inter-market predatory pricing, including worldwide import and export subsidies and "anti-dumping," trade-related aspects of intellectual property rights, export subsidies and market access.

Shearman & Sterling LLP

Firm and Litigation Practice Profile

Shearman & Sterling LLP has been advising many of the world's leading corporations and financial institutions, governments and governmental organizations for more than 135 years. We are committed to providing the highest quality legal advice to our clients.

Our Litigation Practice

With more than 100 lawyers, Shearman & Sterling LLP's litigation practice has the breadth and depth to assist clients in their most high-stakes litigation matters, from complex commercial disputes to matters arising out of virtually every type of corporate transaction, from hotly contested mergers and acquisitions to nationwide shareholder class action suits to high-profile government investigations and enforcement actions. Our clients often entrust us with their "must-win" disputes.

Our attorneys are experienced in a wide range of litigation matters, including:

Securities Litigation: Our Securities Litigation Practice Group lawyers handle shareholder class actions, SEC proceedings, corporate governance issues, contested takeovers, and shareholder disputes. Our securities litigation practice draws on our top-tier corporate transactional practice which has been involved in cutting-edge securities issues for many years.

Criminal Law, Regulation and Enforcement: Our Criminal Law, Regulation and Enforcement Practice Group lawyers include former prosecutors and regulators with extensive experience representing corporate and individual clients in criminal and regulatory proceedings. Recent experience includes major investigations concerning price fixing, the Foreign Corrupt Practices Act, insider trading, and accounting fraud.

Antitrust: Our Antitrust Practice Group lawyers advise on private and regulatory competition matters, including Sherman Act Section 1 price-fixing claims, Sherman Act Section 2 monopolization claims, and claims arising under state antitrust and unfair competition laws. Our antitrust lawyers are located in the United States and throughout Europe, and can represent parties in multiple jurisdictions, and in both private and regulatory proceedings.

Commercial Disputes and Business Law: We have represented corporations, partnerships, joint ventures and other entities in a variety of business-related disputes relating to breach of contract, fraud, professional malpractice, business torts, and insurance and reinsurance matters.

Intellectual Property: Our Intellectual Property Practice includes matters involving patents, trademarks, copyrights, trade dress and trade secrets.

Arbitration: Our renowned International Arbitration Group has particular expertise in international arbitrations in the areas of construction, energy, business combinations, general commercial, and financial and insurance.

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SIMPSON THACHER & BARTLETT LLP

The most sophisticated clients in the world consistently entrust Simpson Thacher with their most threatening and complex litigation and regulatory matters. Simpson Thacher delivers extraordinary results for its clients.

Securities: Our reputation for excellence in securities and derivative litigation has made us the firm of choice for leading financial services institutions. The Firm represents many of the world's leading financial institutions in mortgage backed securities litigation and other claims arising out of the recent financial crisis, including JPMorgan, Morgan Stanley, RBS, UBS and Deutsche Bank. Additionally, during 2010, the Firm appeared in litigations for among others, Apax, Corsair Capital, First Reserve, The Blackstone Group, Hellman & Friedman, KKR, Silver Lake and Vestar. We also regularly represent issuers in connection with IPO and securities fraud litigation, including The Blackstone Group, EnergySolutions, Focus Media, KFN (a KKR subsidiary) and MetroPCS.

Antitrust: The Firm offers unparalleled global experience in every facet of antitrust practice. We recently won a major antitrust litigation dismissal on behalf of KKR concerning the acquisition of Del Monte. We represent Ericsson in a strategic antitrust action by TruePosition. We played a leading role in obtaining regulatory approval for Wyeth in its \$68 billion sale to Pfizer and are involved in several Second Request investigations by US regulators, including Admeld in its proposed sale to Google, CoStar in its proposed purchase of LoopNet, and Varian Semiconductor in its acquisition by Applied Materials. We also obtained clearance of Quidsi (Diapers.com)'s acquisition by Amazon.com following a Second Request investigation by the FTC.

Insurance: We are recognized as the premier firm for high-stakes insurance and reinsurance disputes. Our recent domestic and international representations have included many of the largest insurance and reinsurance groups, including Travelers, Fidelity, Swiss Re, Berkshire Hathaway, Lloyd's of London (Equitas), AIG, SCOR, Mitsui Sumitomo and Argo Group.

International and Domestic Arbitration: We recently won a major company-threatening arbitration for H&R Block; achieved a complete arbitration victory for the Hanwha Group and ORIX Corporation in a major dispute against a Korean government entity; successfully guided the Dominican Republic to a favorable resolution of the first ever investment treaty arbitration launched against it, as well as a parallel arbitration under the ICC Rules; and achieved a victory for Oil Basins Limited in an ad hoc oil and gas royalty arbitration.

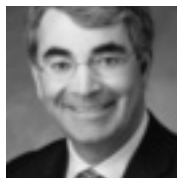
Business Crimes and Investigations: Our extensive white-collar practice includes defending clients in investigations and cases involving alleged insider trading, fraud, tax, antitrust, money laundering and FCPA violations, representing clients before the SEC and other federal regulatory agencies and conducting internal investigations for companies, Boards of Directors and Special Litigation Committees.

Intellectual Property: Our world class intellectual property litigators are at the forefront of cutting-edge patent, trademark and copyright disputes. Recent achievements include high-profile patent infringement trial victories for 3Com, Daiichi Sankyo and Cisco Systems.

Product Liability and Mass Tort: Recent successes include dismissals of food product class actions against Swanson and a perfect record of dismissals of alcohol beverage product liability lawsuits.

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BRUCE D ANGIOLILLO



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Bruce D Angiolillo is a partner in Simpson Thacher & Bartlett's litigation department. His practice focuses on securities litigation, including class actions, derivative actions and contests for corporate control, internal investigations, and complex commercial litigation, including bankruptcy. Representative cases in the securities area involved: Blackstone, Equity Office Properties, Morgan Stanley, JPMorgan Chase, EnergySolutions, MetroPCS, Freddie Mac, Enron, Westar Energy, Sirius Satellite Radio, PXRE, Focus Media, Winstar, Bre-X, Teleglobe, Smith's Foods, Computervision and WPPSS. He regularly represents major private equity firms in matters arising from their investment activities.

He has been ranked by Euromoney's *Benchmark Litigation* (2009-2011) as both a National and Local Star in Securities Litigation. *Chambers USA* (2005-2011) has also named him in *Band 1* as a Leading Individual in Securities Litigation in New York and Nationally. *The Best Lawyers in America* (2005-2011) has recognized Mr. Angiolillo by awarding him its highest *Bet-the-Company Litigation* and *Commercial Litigation* rankings. *Lawdragon 500* selected him as one of the 500 *Leading Lawyers* and *Leading Litigators* in America (2005-2011). *Legal 500 US* (2007-2011) has also ranked him as a leading securities litigator.

Mr. Angiolillo is a frequent contributor to legal publications on securities and other litigation topics. He is past co-chair of the Practising Law Institute's annual two-day Securities Litigation & Enforcement Institute. He is the current chair of the Securities Litigation Panel at the Practising Law Institute's Annual Institute on Securities Regulation.

Mr. Angiolillo is a member of the board of visitors for Columbia Law School. He was also a member of the presidential search committee for Amherst College in 1994 and received the college's Medal for Eminent Service in 1996. He also served as president of the college's Society of Alumni in 2004 and honorary co-marshal at Amherst's 2008 Commencement. From 1995 to 2001, Mr. Angiolillo served as a trustee of the Convent of the Sacred Heart School in Greenwich, Connecticut. He is currently a member of the board of directors and secretary of common ground community, which provides innovative solutions to homelessness in New York City. He is also a member of the advisory council of the Yellowstone Park Foundation.

Mr. Angiolillo joined Simpson Thacher in 1980 and became a partner in 1985. He received his BA *magna cum laude* from Amherst in 1974 and his JD from Columbia Law School in 1977. Mr. Angiolillo is admitted to practice before the US Supreme Court, the US Courts of Appeals for the First, Second, Third, Fifth, Sixth, Seventh, Ninth and Eleventh Circuits, the US Tax Court and District Courts in various jurisdictions and the courts of the State of New York.

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Kevin Arquit is a Partner in Simpson Thacher & Bartlett's Litigation Department. He focuses on antitrust litigation, transactional and counseling issues. Prior to private practice, Mr. Arquit was General Counsel of the FTC, and then Director of its Bureau of Competition. He successfully advised Sirius Satellite Radio in antitrust aspects of its merger with XM Radio, successfully represented DoubleClick in its acquisition by Google, and defended MasterCard in two related actions brought by American Express and Discover. His current engagements include representation of CoStar in its proposed acquisition of LoopNet and HCA in its proposed sale of Palmyra Park Hospital to the Hospital Authority of Albany-Dougherty County (currently being litigated by the FTC.) He represented Weyerhaeuser in monopolization cases concerning its purchases of logs in the Pacific Northwest, and in February 2007, the Supreme Court vacated the original jury verdict in a unanimous decision which established the standard for evaluating the legality of a predatory buying claim. He successfully defended Fidelity National Financial, Inc., in a class action challenging title insurance rate-setting in several states. He developed a novel strategy to permit a transaction to close without delayed FTC review in representing Tops Markets, LLC in its acquisition of 79 supermarkets from Penn Traffic Company. He also represented adidas in the antitrust aspects of its acquisition of Reebok, PanAmSat in the sale of its assets to IntelSat, Abbott in connection with acquiring assets divested during the sale of Guidant to Boston Scientific and Smithfield Foods in multiple acquisitions of U.S. protein companies, including Farmland, Cook's Division of Con Agra Foods and Premium Standard Farms. He represented HCA Inc. in its acquisition of two MedCath heart hospitals in Texas and Chevron U.S.A. in two FTC investigations of pricing practices for gasoline in the U.S.

Mr. Arquit was recently named to *Law360's* list of the "10 Most Admired Competition Attorneys." In 2010, he was named to the *National Law Journal's* "Decade's Most Influential Lawyers". From 2007-2011, he was named a leading practitioner in his field by *The Legal 500*; "2005 Global Competition Lawyer of the Year" by *The International Who's Who of Business Lawyers*, and is ranked among the *Chambers "Global 100"* lawyers. PLC Competition Law and Global Counsel 3000 recently rated him as the leading individual competition/antitrust lawyer in New York. From 2007-2011, *Chambers USA* and *Chambers Global* gave Mr. Arquit the highest ranking, and named him a leading individual lawyer in his field. In 2006, he was named co-winner of the U.S. Antitrust Award at *Chambers "Awards for Excellence"* ceremony.

Mr. Arquit received his J.D. *cum laude* from Cornell Law School in 1978 and his B.A. *cum laude* from St. Lawrence University in 1975.

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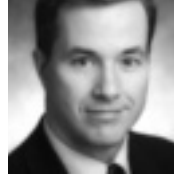
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Michael Chepiga is a partner at Simpson Thacher & Bartlett in the firm's litigation department. He represents clients in securities litigation, class actions, derivative actions, government and internal investigations and corporate control litigation. Mr. Chepiga has handled securities litigation cases involving Porsche, Fannie Mae, Freddie Mac, Lehman Brothers, Goldman Sachs, Fairfield Greenwich Group, Merrill Lynch, Bear Stearns, AIG, HealthSouth, Hollinger, Winstar Communications, Royal Ahold, Dynegy, Travelers, American Electric Power, and KeySpan, among others. Litigations arising from corporate acquisitions or transactions include HCA, Xerox/ACS, Wyeth/Pfizer, Anheuser-Busch/InBev, Dollar General, Toronto Dominion-Banknorth, SunGard Data Systems, Instinet Group, Telecorp/ATT Wireless, Wachovia, Seagate Technologies, American Home Products/Warner Lambert/Pfizer, Chrysler/Kerkorian, KKR/RJR Nabisco, *Paramount v. Time Warner*, *Paramount v. QVC* and numerous others.

Mr. Chepiga served as president of the Legal Aid Society of New York from 1996 to 1998, as a director from 1988 to 1998, and a member of the executive committee from 1992 to 1998. He was a director of VOLS (*Volunteers of Legal Services*), and is currently on the board of advisors of the Yale Law School Center for the Study of Corporate Law, a director of the New York City Bar Association Justice Center and a fellow of the American Bar Foundation. He is a frequent lecturer on continuing legal education panels and is the author of several plays, including *Getting and Spending*, a play produced at the Helen Hayes Theatre on Broadway in 1998.

Mr. Chepiga joined Simpson Thacher in 1981 and became a partner in 1986. He received a BA *cum laude* from Fordham University in 1970, a PhD in English from New York University in 1976 and a JD from Yale University in 1979. He was a law clerk to the Honorable Milton Pollack (SDNY) from 1979 to 1980 and to the Honorable Amalya Kearsse (Second Circuit) from 1980 to 1981.

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Paul Curnin is co-chair of the firm's litigation group. He concentrates on securities matters, government and internal investigations and takeover litigation. Mr. Curnin represents corporate clients such as KKR, Travelers and JPMorgan Chase, amongst others, as well as boards, committees and individuals. He has handled numerous Securities and Exchange Commission enforcement proceedings and class and derivative actions in federal and state court. He also has conducted numerous internal investigations on behalf of corporate clients and special committees.

Mr. Curnin was lead defense counsel in *SEC v. WorldCom* and negotiated WorldCom's settlement with the SEC. He also represented the outside directors of WorldCom, including its audit committee, in the civil securities class actions suits filed against them. Mr. Curnin obtained the dismissal of the Section 10(b) claims against the audit committee, and negotiated the resolution of all civil exposure facing the outside directors.

Mr. Curnin joined Simpson Thacher in 1990 and became a partner in 1995. In 2003, he was named one of the country's top 45 *Lawyers Under 45* by *American Lawyer*. He has been listed in *Chambers USA: America's Leading Lawyers for Business* since 2004 in the categories of Securities Litigation and also Government Investigations. In 2008, Mr. Curnin was appointed to the Second Circuit committee on admissions and grievances by the chief judge of the Second Circuit. Prior to joining the firm, Mr. Curnin was a trial attorney in the Federal Defenders Services Unit for the Southern District of New York, and served as a law clerk to the Hon. Roger Wollman of the Eighth Circuit Court of Appeals, as well as the late Hon. Lloyd F MacMahon of the Southern District of New York.

Mr. Curnin received his BA from Dartmouth College in 1983 and his JD from Fordham University School of Law in 1987.

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Aimee Goldstein is a partner at Simpson Thacher & Bartlett LLP in the Firm's Litigation Department, where she focuses on antitrust litigation, complex transactions and antitrust counseling. She regularly counsels corporate clients on a variety of antitrust issues including mergers, acquisitions, joint ventures and distribution practices.

Ms. Goldstein has represented clients before the Federal Trade Commission, the Antitrust Division of the Department of Justice and numerous state and foreign competition authorities. Recent engagements include Tyco International in its \$2 billion acquisition of Brink's Home Security Holdings and its acquisition of Chemguard, CoStar in its proposed acquisition of LoopNet, HCA in its acquisitions of Heart Hospital of Austin and TexSan Heart Hospital and in its proposed sale of Palmyra Park Hospital to the Hospital Authority of Albany-Dougherty County (currently being litigated with the FTC), Tops Markets in its \$85 million bankruptcy acquisition of the Penn Traffic Company's business assets, Sirius Satellite Radio in its \$13 billion merger with XM Satellite Radio, Smithfield Foods in its sale of its beef processing business to JBS and in its acquisitions of Premium Standard Farms, Cook's and Farmland, PanAmSat in the sale of its assets to Intelsat, adidas in its acquisition of Reebok, Abbott in connection with acquiring assets divested pursuant to the sale of Guidant to Boston Scientific and Wellpoint Health Networks Inc. in its acquisition of Anthem Inc. Ms. Goldstein has also represented Chevron USA in a number of FTC investigations into gas and oil pricing in various regions of the United States.

Ms. Goldstein is currently representing CSL in a class action litigation alleging a Section 1 conspiracy among participants in the plasma therapies industry, and HCA, Inc. and Methodist Healthcare of San Antonio in a class action litigation in the Western District of Texas, alleging that San Antonio area hospital systems colluded to suppress nurse wages. She further represented MasterCard in both *In re Visa Check/MasterMoney Class Action Litigation*, a class action lawsuit brought against MasterCard and Visa by a class of 4 million retailers alleging more than US\$40 billion in damages for antitrust violations, and in connection with a high-profile lawsuit brought by the Department of Justice against MasterCard and Visa alleging violations of Section 1 of the Sherman Act.

Ms. Goldstein has been recognized in various publications as a leading competition attorney, including *Chambers*, *PLC Competition Handbook* and *Who's Who Legal*.

Ms. Goldstein received her J.D. from Harvard Law School in 1991 and her B.A., *summa cum laude* and Phi Beta Kappa, from Emory University 1988. She currently is a member of the Board of Directors of SCOPE, a non-profit organization dedicated to sending underprivileged children to summer camp. Ms. Goldstein is a member of the California and New York Bars.

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David W Ichel has spent more than 33 years at Simpson Thacher & Bartlett litigating complex commercial disputes and advising companies, boards of directors, industry associations and institutions on litigation-related issues, including Ducati, JPMorgan Chase, Vivendi and Heineken, amongst others. He has been particularly active in claims involving commercial fraud and contract, securities, product liability and mass tort, insurance company insolvency litigation, insurance coverage, distributor termination, antitrust and unfair trade practice, libel/slander and advertising/labeling. He is admitted to practice in New York, New Jersey, Washington, DC, the United States Supreme Court and numerous other federal circuit and district courts throughout the United States.

Recent representations have included: obtaining for clients Heineken NV and Heineken USA and other alcohol beverage manufacturers the complete dismissals of class actions in ten state and federal courts across the country, alleging that alcohol beverage marketing targeted underage consumers and seeking over \$2 billion in damages; reversal of class certification and negotiation of a favorable settlement for JP Morgan Securities in the largest consolidated securities litigation proceeding in history, the *initial public offering securities litigation*, along with obtaining the dismissal of accompanying antitrust lawsuits in the Supreme Court; representation of Bank of America and various investment funds in one of the two largest US life insurance company insolvencies in history, Mutual Benefit Life Insurance, in which he obtained more than 100 cents-on-the-dollar recovery for his creditor clients; and representation of Seagram in a RICO lawsuit brought against Seagram, Diageo and Pernod Ricard by the Republic of Colombia.

Mr. Ichel joined Simpson Thacher in 1978 and was elected a partner in 1985. He received his BA in 1975, *summa cum laude* from Duke University, where he was elected to Phi Beta Kappa. He received his JD from Duke University School of Law in 1978, where he was a member of the *Duke Law Journal*.

Mr. Ichel is the chair of the board of visitors of Duke Law School, where he also teaches complex litigation, and a member of the American Law Institute, product liability advisory council, MFY Legal Services (chair, 2000-02, board member since 1994), New York City Bar Association (chair, products liability committee (2005-08), and UJA Federation lawyers division executive committee (since 1995).

Mr. Ichel is cited as a leading litigator in a number of publications, including *Euromoney's Benchmark Litigation*, *Chambers USA*, *Best Lawyers in America*, *Super Lawyers* and *Who's Who* (world and America).

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Barry R Ostrager is a senior litigation partner at Simpson Thacher & Bartlett, and from 1999 to 2011 was head of the litigation department. He has tried dozens of cases and argued scores of appeals throughout the country and has been prominently involved in many high-profile securities, antitrust and commercial cases. He was lead trial counsel for Swiss Re in the highly-publicized insurance coverage dispute involving the World Trade Center tragedy, resulting in a unanimous jury verdict in favor of Swiss Re, and lead counsel for Hanwha in a multi-billion dollar dispute with the Korean government. Mr. Ostrager successfully argued before the US Supreme Court the closely-followed *Epstein v. Matsushita* case, arising from Matsushita's successful tender offer for MCA. He also successfully argued before the Supreme Court the *Travelers v. Bailey* case, which resolved important issues relating to the rights of settling insurers in asbestos-related bankruptcy. Other major trial successes include the representation of Andersen Consulting against a \$14 billion claim by Arthur Andersen in connection with Andersen Consulting's successful bid to win a separation without cost from the Andersen Worldwide organization in the largest ICC arbitration in history, and successful representation of JP Morgan Chase in a breach of guarantee contract action against Motorola, and obtaining a \$370 million verdict against Motorola. In July 2010, Mr. Ostrager was one of the trial counsel who produced a \$110 million jury verdict in Arizona State Court after a six-week trial. Most recently, in July 2011, Mr. Ostrager obtained a \$28 million jury verdict in a commercial dispute on behalf of a member of the Jordanian Royal Family. Mr. Ostrager has a trial engagement in October 2011 for Ingersoll Rand.

Mr. Ostrager has been prominently involved in supervising the firm's major insurance and reinsurance practices in both its New York and Los Angeles offices. He has been lead trial counsel in more than a dozen major insurance coverage cases.

In June 2006, Mr. Ostrager was named the Leading *US Litigation Business Trial Lawyer* by *Chambers & Partners*. For the seventh consecutive year, Mr. Ostrager was recently recognized as one of the *Top Ten Trial Lawyers* in the US by *The Legal 500*.

Mr. Ostrager has been a member of the Firm since 1980. He received his BA from City College of the City University of New York in 1968, and his MA in 1973. He earned his JD from New York University School of Law in 1972 and served as a judicial clerk in the US District Court for the Southern District of New York. Mr. Ostrager is admitted in the New York and California State bars.

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Roy L Reardon is a member of Simpson Thacher & Bartlett's litigation department. His trial and litigation experience covers a wide gamut of areas, including jury trials in state and federal trial courts around the country and arguing numerous appeals, including argument in the US Supreme Court. His areas of particular specialty include commercial law, antitrust, product liability, professional responsibility, securities law, arbitration and mediation.

Mr. Reardon is a Fellow in the American College of Trial Lawyers and is active in a number of bar associations. He serves as an arbitrator and mediator in domestic and international arbitrations and has lectured widely on a variety of litigation topics. He is the chairman of the disciplinary committee, Appellate Division, first department and a special master in the Appellate Division, first department.

Mr. Reardon joined Simpson Thacher in 1954 after receiving his JD from St. John's University Law School. He has been a member of the firm's executive committee for many years, as well as chairman of the litigation department.

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William T Russell Jr. is a partner at Simpson Thacher & Bartlett in the firm's litigation department. He represents clients in a wide variety of commercial disputes including banking litigation, bankruptcy and reorganization matters, securities litigation and contractual and transactional disputes, and has tried cases in state and federal courts, as well as in arbitral proceedings. His clients include leading members of the financial services and manufacturing industries. He recently was one of the leaders of the defense group in *Adelphia Recovery Trust v. Bank of America, et al.* and led the negotiations that resulted in a settlement of that litigation for a small fraction of the claimed damages.

He served as co-chair of the firm's pro bono committee for almost ten years, and has represented pro bono clients in a number of areas including housing, education and discrimination matters. He represented the Campaign for Fiscal Equity in its successful constitutional challenge to the public education funding system in New York State.

Mr. Russell is a member of the American Law Institute, former chair of the New York City Bar Association's committee on pro bono and legal services and a current member of its delegation to the New York State Bar Association, chairman of the board of Manhattan Legal Services, a member of the advisory board of Legal Outreach, a member of the board of the National Center for Access to Justice and a member of the New York State Bar Association's president's committee on access to Justice and a former member of the board of directors of the Lawyers Alliance for New York. He was selected as a David Rockefeller fellow for 2000-2001. He currently serves on the disciplinary committee for the First Judicial Department, and was recently appointed by New York State Court of Appeals chief judge Jonathan Lippman to the chief judge's attorney emeritus council. He has been named in *New York Super Lawyers* and *The Legal 500* and recognized as a *Future Litigation Star* in *Euromoney's Benchmark Litigation Survey*.

Mr. Russell joined Simpson Thacher in 1990 and became a partner in 1999. He received his BA from Princeton University in 1987, and his JD from New York University School of Law in 1990. He is admitted to practice before the Southern, Eastern and Northern District Courts of New York, the United States District of Arizona, the United States Court of Appeals for the Second Circuit, the United States Supreme Court and all courts of the State of New York.

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Thomas C Rice, a partner at Simpson Thacher & Bartlett, is co-chair of the firm's litigation group and a member of the executive committee. Mr. Rice is a commercial trial lawyer with expertise in a wide variety of complex litigations, including securities, bankruptcy litigation, ERISA, and professional malpractice.

Mr. Rice presently represents issuer and underwriter defendants, including RBS, Deutsche Bank and UBS, in residential mortgage backed securities litigations, is counsel for JPMorgan Chase in auction rate securities litigation and represents investment banking clients, including Merrill Lynch and JPMorgan Chase in several derivatives-related litigations. Other recent engagements include *In re Municipal Derivatives Antitrust Litigation*, where Mr. Rice represents JPMorgan Chase and serves as liaison counsel for the defendants alleged to have conspired to fix prices of various derivatives products sold to municipalities across throughout the US; *In re LIBOR-Based Financial Instruments Antitrust Litigation*, where Mr. Rice represents JPMorgan Chase against charges that it participated with other lenders in the manipulation of LIBOR-based interest rates; *In re Fontainebleau Las Vegas Contract Litigation*, in which Mr. Rice represents Barclays, Deutsche Bank, JPMorgan Chase and RBS in coordinated lender liability litigation arising from the failure of the Fontainebleau Las Vegas casino project; *In re Idearc Inc.*, in which Mr. Rice was trial counsel for JPMorgan Chase in copyright-related lien litigation commenced by the Idearc uninsured creditors committee; *In re Enron Corp. Securities, Derivatives and "ERISA" Litigation*, where Mr. Rice has served as lead counsel for JPMorgan Chase in securities and related litigations and government investigations; and numerous others.

Mr. Rice is the author of articles on a variety of topics, including *Litigation Resulting from the Credit Crunch: a Comparative Study, PLC Cross-Border* (July-September 2009 issue), *The Evolving Examiner: Different Role Has Emerged*, (co-author Lillian E Kraemer) *New York Law Journal*, p. 7, col. 6 (February 3, 1997); *Loan Participation Issues in Bankruptcy and Workouts*, 10 *Rev. of Banking and Financial Services* 11 (January 26, 1994); and *Lender Liability* (co-authored with Melvin Cantor and John J Kerr, Jr.) in *Lender Liability Litigation 1989 Recent Developments*, 321 (New York: Practising Law Institute, 1989).

Mr. Rice joined Simpson Thacher in 1981 and became a partner in 1989. He is admitted to the New York Bar and in a number of federal trial and appellate courts across the US. Mr. Rice is a member of the board of directors of New York Lawyers for the Public Interest. He has received a variety of professional recognitions, including for excellence in client service.

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Robert H Smit is a partner at Simpson Thacher & Bartlett in the firm's litigation department. He represents clients in a wide range of complex commercial litigations and arbitrations, concentrating in international commercial arbitration, bilateral investment treaty, joint venture, agency and distributorship matters, fraud, securities, banking and insurance disputes.

Mr. Smit's recent experience includes representation of Agua y Saneamientos Argentinos, in US federal court litigation relating to a public concession for water and sewer services in Buenos Aires, Argentina; Hanwha Group and ORIX Corporation, in a billion-dollar ICC arbitration arising out of the sale of Korea Life Insurance; General Electric and Bechtel, in ICC, AAA and bilateral investment treaty international arbitrations arising out of India's expropriation of the multi-billion dollar Dabhol Power Project in Maharashtra, India; Moody's Investor Services, in connection with lawsuits by investors against Moody's in Latin America; Swiss Re, in US federal court litigation to determine the amount of property insurance coverage for the September 11, 2001 attack on the World Trade Center; Andersen Consulting (now Accenture) in one of the largest-ever ICC arbitrations, based in Geneva, Switzerland, in which Andersen Consulting achieved its alimony-free divorce from the global Andersen organization; DHL in ICC arbitration in Paris concerning the transfer of a centi-million share interest in DHL under a shareholder's agreement; and Blackstone in several arbitrations concerning the valuation of major commercial enterprises. Mr. Smit has also regularly served as arbitrator in significant international arbitrations, and is listed as one of the leading international arbitration lawyers in the world by *Chambers Global*, *Chambers USA*, *International Who's Who of Business Lawyers*, *Euromoney*, *Law Business Research*, *Legal Media Group Expert Guides*, and *PLC Global Counsel Handbooks*.

Mr. Smit is adjunct professor of international arbitration at Columbia Law School; co-editor-in-chief of the *American Review of International Arbitration*; member of the ICC Commission on Arbitration and adviser to the American Law Institute's restatement (third) of the US law of international arbitration. He is also former US member of the ICC International Court of Arbitration; chair of the New York City Bar Association's International Commercial Disputes Committee; chair of the CPR Arbitration Committee; and vice-chair of the IBA's international arbitration and ADR committee.

He received his BA (*magna cum laude*, Phi Beta Kappa) from Cornell University in 1981, and his JD (Harlan Fiske Stone Scholar) from Columbia University School of Law in 1986. Mr. Smit also has a graduate law degree (diplôme d'études approfondies, with honors) in private international law and international arbitration from the Sorbonne in Paris, and taught US commercial law at the Sorbonne. He is a frequent speaker at conferences on international arbitration and litigation, has written and published extensively in the field.

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Joseph F Tringali is a partner at Simpson Thacher & Bartlett in the litigation department, where he represents clients on general commercial litigation with an emphasis on competition matters. He has represented plaintiffs and defendants in jury and bench trials and argued appeals in federal and state appellate courts in diverse areas, including antitrust, breach of contract, copyright infringement, false advertising, employment discrimination and civil rights. Primarily, he has litigated antitrust actions for both plaintiffs and defendants and counsels clients under the Sherman, Clayton, Robinson-Patman and Hart-Scott-Rodino Acts, including cases alleging monopolization, price fixing, market and bid allocations and other restraints of trade, as well as price discrimination.

He has also obtained antitrust clearance for numerous merger transactions before the Department of Justice, the Federal Trade Commission, various state antitrust enforcement agencies, and the European Commission, including representing Wyeth in its sale to Pfizer, Varian Semiconductor in its proposed acquisition by Applied Materials, Charles Schwab in its acquisition of optionsXpress, Bowne in its sale to R R Donnelly, Alpharma in its acquisition by King Pharmaceuticals, Altivity Packaging in its acquisition by Graphic Packaging, Xerox in its acquisition of ACS, Pinnacle Foods in its acquisition of Bird's Eye, Blackstone in its acquisition of Hilton Hotels, KeySpan in its acquisition by National Grid, and Kmart in its acquisition of Sears.

In addition, he represents Kohlberg Kravis Roberts and Centerview in an antitrust action arising out of their acquisition of DelMonte Foods, Kohlberg Kravis Roberts in a civil antitrust action alleging collusion among private equity firms for large leveraged buyouts, Viacom in a putative consumer class action challenging the alleged bundling of cable programming services, and has recently represented MasterCard in antitrust actions brought against it by American Express and Discover, and Weyerhaeuser in several monopolization cases.

He has been recognized in the antitrust field by the following publications: *Chambers USA*, *The Legal 500*, *Who's Who Legal (Competition)*, and the *Guide to the World's Leading Competition and Antitrust Lawyers*. Mr. Tringali joined the firm in 1983 and became a partner in 1989. He received his BA from Wesleyan University in 1977 and his JD from the New York University School of Law in 1980, where he was an editor of the *Law Review*.

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Mary Kay Vyskocil is a litigation partner at Simpson Thacher & Bartlett LLP where she handles general commercial litigation. Her practice is concentrated in insurance and reinsurance coverage litigation and cases involving the financial services industry.

Mary Kay has represented major domestic and foreign insurers in complex coverage litigations (including numerous jury trials and appellate arguments) throughout the U.S. in a wide variety of contexts, including environmental, asbestos, breast implants and other mass tort claims. Ms. Vyskocil was one of the lead trial counsel in *Shell Oil Company v. Accident & Casualty Insurance Company* in California regarding coverage for environmental liabilities at the Rocky Mountain Arsenal. She currently represents Swiss Re with respect to coverage issues arising out of the World Trade Center attack, including the Silverstein WTC property insurance dispute, which resulted in a jury verdict in Swiss Re's favor.

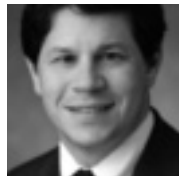
Ms. Vyskocil is also active in reinsurance litigations and arbitrations in the U.S., Great Britain and Bermuda. She has handled a number of precedentially important reinsurance cases, including *Travelers v. Gerling* (2nd Circuit re: "follow the fortunes"); *Gulf v. Transatlantic* (NY Appellate Court re: "access to records"/privilege); *Travelers v. Certain Underwriters* (NY high court on treaty interpretation), *Unigard v. North River* (NY high court on late notice), *North River v. Cigna Re* (Third Circuit on follow the fortunes), and *ISLIC v. Lloyd's Underwriters* (follow the fortunes/ number of occurrences). Most recently, she obtained a \$420 million summary judgment in a hotly contested reinsurance case.

Outside the insurance area, Ms. Vyskocil currently represents UBS in connection with major litigations involving residential mortgage backed securities and former officers of Washington Mutual Bank in litigation with the FDIC. She has been involved in the successful representation of JPMorgan Chase resulting in a \$350 million verdict in a trial of a breach of guarantee action against Motorola arising out of the Iridium telecommunications transaction. She was also involved in the representation of Paramount Communications in the Paramount-Viacom-QVC takeover litigation and represented Matsushita Electrical Industries in *MCA v. Epstein*, which was successfully argued in the U.S. Supreme Court. Ms. Vyskocil has also served as outside counsel to the Archdiocese of New York.

Ms. Vyskocil is co-author of the leading treatise, *Modern Reinsurance Law & Practice*, 2d ed. (Glasser LegalWorks 2000) and is a frequent lecturer and author on insurance and reinsurance coverage issues and on litigation and trial skills at continuing legal education seminars and bar association meetings. Ms. Vyskocil is President-Elect of ARIAS-U.S.

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Jonathan Youngwood is a partner in the firm's litigation department. He has represented financial institutions, and other clients, in a wide range of high-profile complex commercial litigation matters, including securities, corporate control, antitrust and ERISA disputes. Mr. Youngwood has been involved in litigations involving The Blackstone Group, Bank of Montreal, Enron, Focus Media, Goldman Sachs, HCA, JPMorgan Chase, KKR, Lehman Brothers, Morgan Stanley, PXRE, and UBS, among many others.

Chambers and Partners has recognized Mr. Youngwood as a leading securities litigator, describing him as a "smart, focused and creative lawyer who brings the required intensity to the job" and "a detail-oriented litigator with the ability to get to the nub of an issue." *The Legal 500* has called him "[o]ne of the up-and-coming stars of the team." Mr. Youngwood was featured in *Securities Law 360's* 2007 "10 under 40" series. Mr. Youngwood is a frequent contributor to legal publications and speaker at Practising Law Institute and other events. He is the co-chair of PLI's annual Securities Litigation & Enforcement Institute. He recently received the Burton Award for Achievement in Legal Writing for his article *New Plausibility Standard Impacts Pleading in Employee Benefits Cases*, which was published in *BNA's Pension & Benefits Daily* in April 2010. Among a number of significant pro bono achievements, Mr. Youngwood served on the Simpson Thacher team that achieved a finding (after a seven-month trial) that the New York City public schools fail to provide a constitutionally adequate education.

Mr. Youngwood received his BA with honors from Brown University in 1990. He received his JD in 1994 with honors from the University of Chicago, where he served as comments editor of *The University of Chicago Law Review*. He also holds a masters degree (1992) from the University of Chicago in Public Policy. Mr. Youngwood joined Simpson Thacher in 1995 following a one-year clerkship with The Honorable Dennis G. Jacobs of United States Court of Appeals for the Second Circuit. He was elected a partner in 2002.

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Number of lawyers worldwide: 729

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Beijing, Frankfurt, Hong Kong, London, Los Angeles, Melbourne, Palo Alto, Paris, Sydney, Tokyo, Washington, DC

Firm profile:

Sullivan & Cromwell LLP provides the highest quality legal advice and representation to clients around the world. The results achieved for clients have set the firm apart for more than 130 years and become a model for the modern practice of law. Today, S&C is a leader in each of its core practice areas and in each of its geographic markets. S&C conducts a seamless, global practice through a network of 12 offices located in key financial centers in Asia, Australia, Europe and the United States. Clients of the firm are nearly evenly divided between US and non-US entities and include leading industrial and commercial companies; financial institutions; private funds; educational, charitable and cultural institutions; governments; and a select group of individuals, estates and trusts.

Litigation practice

Managing partner: David H Braff

Deputy managing partner: Richard C Pepperman II

Sullivan & Cromwell continues to be the firm of choice for major global companies and financial institutions seeking to manage risk or sustain their businesses in these uncertain and challenging economic times. The firm's litigators work on a wide range of challenging assignments, spanning our global practice and assisting our clients in the successful resolution of a number of important and precedent-setting matters that are often crucial to our clients' survival.

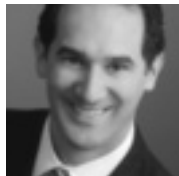
Drawing on S&C's deep experience and leadership position as a corporate, financial and transactional firm, the firm's lawyers form integrated teams across relevant practice areas and are prepared to handle any related or follow-on matters that arise in the course of litigation, in addition to the coordination of our clients' global or national litigation and case management strategies. We advise both individual and corporate clients in connection with regulatory and internal investigations, and at the pretrial, trial, post-trial and appellate stages of litigation. S&C's litigators are recognized leaders in a wide range of practice areas, including antitrust; appellate; arbitration; banking; restructuring and bankruptcy; commodities, futures and derivatives; criminal defense and investigations; environmental law; estates litigation; intellectual property; labor and employment; securities; and tax controversy.

Highlights of the firm's litigation work

Our litigation group has handled some of the most high-profile and challenging matters over the last 18 months, including in cases stemming from the global credit crisis.

Recent highlights include:

- Obtaining for Porsche SE the dismissal of a more than \$2.5 billion federal securities lawsuit brought by 39 hedge funds related to Porsche's acquisition of a stake in Volkswagen AG
- Successfully representing Barclays in obtaining the dismissal of a putative securities class action pending in the Southern District of New York alleging that the offering materials for four offerings of American Depository Shares by Barclays Bank PLC during 2006-2008 contained various misstatements and omissions concerning Barclays's portfolio of mortgage-related securities and Barclays's financial condition. S&C also represents Barclays Bank PLC in connection with the resolution of criminal and regulatory investigations of the institution's historical payment practices involving parties subject to OFAC sanctions
- Obtaining for The Boeing Company the dismissal with prejudice of a securities class action litigation in the Northern District of Illinois related to the first flight of Boeing's 787 Dreamliner aircraft
- Representing BP and its directors in derivative, securities fraud and ERISA litigation arising out of the 2010 Gulf of Mexico oil spill. These cases are pending in state court in Alaska and in a Multidistrict Litigation in federal court in Houston, Texas
- Representing JPMorgan Chase in connection with the failure of Washington Mutual Bank in September 2008, the largest bank failure in US history, and JPMC's subsequent acquisition of the assets of WaMu from the FDIC. S&C was also recently named as national coordinating counsel for JPMC's residential mortgage-backed securities litigation, which includes litigation arising from securitizations issued by WaMu, Bear Stearns and JPMC itself
- Representing UBS in responding to a variety of regulatory inquiries, investigations and private litigation, including a putative securities fraud class action that is pending in the Southern District of New York and a putative ERISA class action that was dismissed by the same court in March 2011, all arising from the recent financial crisis and losses related to mortgage-backed securities
- Acting as lead counsel to 11 of the world's leading financial institutions (including Morgan Stanley, RBS, UBS and Wells Fargo) in their challenge to the \$5 billion restructuring of MBIA Insurance, including a fraudulent conveyance action that was recently sustained in a high-profile appeal to the New York Court of Appeals.
- Representing Goldman Sachs in a number of its most complex, noteworthy investigations and litigations, including lawsuits related to disclosures made in connection with offerings of mortgage-backed securities, requests from governmental agencies regarding mortgage-related products, antitrust matters concerning its private equity and prime brokerage businesses and a litigation arising out of the eToys IPO that involves novel claims about the relationship between IPO underwriters and issuers
- Successfully representing a group of plaintiffs before the Arkansas Supreme Court in challenging as unconstitutional and ultimately overturning "Act 1," an Arkansas state law that prohibits unmarried, cohabiting couples from applying to adopt, or become a foster parent for, a child in state care. S&C worked on this significant pro bono civil rights litigation with the American Civil Liberties Union
- Representing ENI S.p.A. and its subsidiaries, Saipem S.p.A. and Snamprogetti Netherlands B.V., in the resolution with the DOJ and SEC of a high-profile Foreign Corrupt Practices Act investigation related to a joint venture to build liquid natural gas facilities in Bonny Island, Nigeria.

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David B. Anders joined Wachtell Lipton Rosen & Katz in 2006 and became a partner on January 1, 2008. His practice focuses on the representation of Fortune 500 and other companies in connection with the defense of regulatory, white-collar criminal and complex civil litigation matters. He also regularly advises clients in connection with internal investigations and corporate governance and compliance reviews.

Prior to joining the firm, Mr. Anders served as an assistant United States attorney for the Southern District of York from September 1998 through December 2005. During his time at the United States Attorney's Office, he investigated and prosecuted a wide variety of securities, commodities, and other investment fraud schemes, money laundering, immigration, racketeering, and associated violent crime. He tried 13 felony cases to verdict, and briefed and argued numerous appeals before the United States Court of Appeals for the Second Circuit. He was involved in several significant prosecutions during that time, including the investigation and prosecution of the fraud at WorldCom.

Mr. Anders is a 1991 graduate of Dartmouth College with an AB in Government and graduated from Fordham University School of Law in 1994. He served as Law Clerk to the Honorable Denny Chin, United States District Judge, Southern District of New York (1995-96).

Mr. Anders is a frequent speaker to bar associations and professional organizations on issues relating to securities and commodities fraud and internal investigations, including the American Bar Association, Federal Bar Council and Practising Law Institute. He was an associate adjunct professor at Fordham University School of Law from 1997 through 2006, and is an officer of the Board of Directors of the Fordham Law School Alumni Association. In 2005, *The National Law Journal* selected him as one of the country's top 40 lawyers under 40.

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Stephen R. DiPrima is a partner in the Litigation Department at Wachtell, Lipton, Rosen & Katz. He specializes in M&A litigation and derivative and class action litigation involving breach of fiduciary duty and federal securities claims.

Mr. DiPrima received his B.A., with honors, from Wesleyan University in 1989, and a J.D. from Columbia Law School in 1995, where he was a Harlan Fiske Stone Scholar and a member of the Columbia Law Review. Following law school, Mr. DiPrima was a law clerk to the Honorable Jerome Farris of the United States Court of Appeals for the Ninth Circuit.

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A member of Wachtell Lipton Rosen & Katz's Antitrust Department, Ilene Knable Gotts represents and counsels clients on a range of antitrust matters, particularly those relating to mergers and acquisitions. Ms. Gotts began her career as a staff attorney in the Bureau of Competition of the Federal Trade Commission in conduct and merger investigations.

In 1995, Ms. Gotts served as the President of the Washington Council of Lawyers. She was the Chair of the Antitrust and Trade Regulation Section of the Federal Bar Association from 1995-1997 and chair of the Antitrust Section of the New York State Bar Association in 2005-2006. An active participant in the Section of Antitrust Law of the American Bar Association, Ms. Gotts served as Chair of the Section in 2009-2010, and previously served as the International Officer. Ms. Gotts is regularly recognized as one of the world's top antitrust lawyers, including being selected in the 2007-2010 Editions of *The International Who's Who of Business Lawyers* as one of the top 15 global competition lawyers, in the first tier ranking of *Chambers USA Guide*, and as one of the "leading individuals" in *PLC Which Lawyer Yearbook*. In 2011, the New York State Bar Association Antitrust Section awarded Ms. Gotts the William T Liffand Service Award.

Ms. Gotts is the editor of the ABA Antitrust Section's Merger Review Process treatise and has had published over 150 articles on antitrust issues relating to mergers and acquisitions and Hart-Scott-Rodino compliance. She also is a frequent lecturer on antitrust topics. She serves as the co-editor of *Competition Law International* and on the advisory boards of *Antitrust and Trade Regulation Report*, *Antitrust Counselor*, and *Antitrust Report*.

Ms. Gotts received her bachelor's degree *magna cum laude* from the University of Maryland, where she was elected to *Phi Beta Kappa*. Her law degree was awarded *cum laude* by Georgetown University Law Center in 1984. She currently serves on the Board of Legal Advisors of Legal Momentum and Counsel's Council of Lincoln Center.

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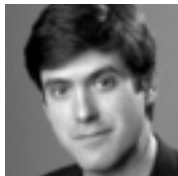
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Theodore Mirvis is a Partner in the Litigation Department at Wachtell Lipton Rosen & Katz. Mr. Mirvis has been with the firm for over 30 years and, during that time, has litigated some of the landmark cases regarding corporate governance issues, mergers and acquisitions, stockholder's rights and numerous other matters involving corporate and securities litigation. He is an expert on corporate defense. He has written extensively on topics ranging from white-collar crime, corporate governance, mergers and acquisitions and stockholder derivative suits, and is a regular lecturer at the Harvard Business School and the Harvard Law School.

Mr. Mirvis received a BA, *summa cum laude*, from Yeshiva University in 1973 and received a JD, *magna cum laude*, from the Harvard Law School in 1976. At the Law School, he served as Case Officer and as a member of the Editorial Board of *The Harvard Law Review*. Upon graduation, Mr. Mirvis was a law clerk to the Honorable Henry J Friendly of the United States Court of Appeals for the Second Circuit. He is a member of the American Law Institute, the Planning Committee of the Tulane Corporate Law Institute, and the Advisory Board of the Harvard Law School Program on Corporate Governance.

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Jonathan M. Moses is a member of the Firm's Litigation Department which he joined in 1998. He has represented clients in diverse industries, including banks and financial institutions, media companies, and industrial firms. His practice includes government investigative proceedings and complex commercial, insurance and securities litigation.

Prior to joining the firm, Mr. Moses served as an attorney for the New York Daily News, where he worked on First Amendment issues among other matters, and a law clerk to the Hon. Stephen F. Williams of the United States Court of Appeals for the District of Columbia Circuit.

Mr. Moses is also a former journalist having served, among other positions, as a staff reporter for The Wall Street Journal. From 1990 to 1991, Mr. Moses served as a speechwriter to Gov. Jim Florio of New Jersey.

Mr. Moses received an A.B. from Harvard University in 1988 and a J.D. from Columbia Law School in 1996, where he was an editor of the Law Review and a James Kent Scholar. Following graduation from Harvard, Mr. Moses was the recipient of a Fulbright Fellowship in Hong Kong.

Mr. Moses is admitted to practice in the State of New York, the Southern and Eastern Districts of New York, the District of New Jersey, and the U.S. Court of Appeals for the D.C. Circuit. He is a member of the Association of the Bar of the City of New York, where he currently serves on the Committee on the Judiciary, the Federal Bar Council and the American Law Institute. In 2007, he was among the Partnership for New York City's David Rockefeller Fellows.

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Bernard W Nussbaum is a Partner at Wachtell Lipton Rosen & Katz, which he joined in 1966 one year after the firm was formed. He specializes in corporate and securities litigation. Mr. Nussbaum has been active in both the public and private sectors throughout his legal career. In 1994, during the Clinton Administration, he was Counsel to the President of the United States. In 1974, he was a senior member of the staff of the House Judiciary Committee, which conducted the 1974 Watergate Impeachment Inquiry. His first position in the public sector was as an Assistant United States Attorney for the Southern District of New York, an office he joined after completing law school.

Mr. Nussbaum graduated from Columbia College in 1958, where he was a member of Phi Beta Kappa. In 1961 he graduated from Harvard Law School. In 1993 he was awarded an honorary LLD from The George Washington University National Law Center. While at Harvard Law School he served as Notes Editor of *The Harvard Law Review*, and, upon graduation, was awarded a Harvard University Sheldon Traveling Fellowship. Mr. Nussbaum has also served on a number of philanthropic boards and has been a lecturer at Columbia University Law School.

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Lawrence Pedowitz has been a partner at Wachtell Lipton Rosen & Katz since 1980. He focuses on complex civil and corporate litigation, and regulatory, white-collar criminal and professional liability matters. Mr. Pedowitz heads Wachtell Lipton's white collar and regulatory practice group, and often is involved in internal investigations and corporate governance and compliance reviews. His clients include securities firms, investment banks, defense contractors, pharmaceutical companies, law firms and corporate officers. Mr. Pedowitz is regularly ranked as a leading lawyer by directories that evaluate law firms.

Prior to joining Wachtell Lipton, Mr. Pedowitz was a law clerk to Second Circuit Court of Appeals Chief Judge Henry J Friendly (1972-1973) and to United States Supreme Court Justice William J Brennan (1973-1974). He also served as Chief Appellate Attorney (1976-78) and as Chief of the Criminal Division (1982-1984) in the United States Attorney's Office for the Southern District of New York. He was also appointed by the Federal District Court to serve as the Monitor of the Mason Tenders Union (1995-2002).

Mr. Pedowitz has lectured at numerous continuing education programs. He also taught Trial Practice and is on the Board of the Brennan Center at New York University Law School. Mr. Pedowitz has served on several committees of the Bar of the City of New York, including: the Criminal Law, the Federal Legislation and the Federal Courts Committees. In addition, he served as a Vice Chairman and Director of the Legal Aid Society, and is a co-founder of New York Law Firms for the Homeless, which is the financial support organization for the New York Coalition for the Homeless.

He received a Bachelor of Arts degree from Union College, *summa cum laude*, in 1969. He serves as a trustee of Union College and is on its Executive Committee. He received a Juris Doctor, *cum laude*, from New York University in 1972, where he served as Editor-in-Chief of the *New York University Law Review*.

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Eric M Roth has been a partner in the Litigation Department of Wachtell Lipton Rosen & Katz since 1984. Mr. Roth's practice has included corporate, securities, insurance, creditors' rights and other complex commercial litigations. He has been involved in several landmark cases, including the World Trade Center coverage litigation, and numerous matters involving mergers and acquisitions, including, among others, defending the legality of the "poison pill", obtaining specific performance of a merger agreement on behalf of the selling corporation and enjoining a defensive restructuring on behalf of a hostile bidder.

Mr. Roth received a BA, with distinction in all subjects, from Cornell University in 1974, and a JD from New York University School of Law in 1977. He served as a member of *The New York University Law Review* and was the Note and Comment Editor during his last year. After graduating, he clerked for the Honorable Lee P. Gagliardi of the United States District Court for the Southern District of New York, before joining Wachtell, Lipton, Rosen & Katz in 1979.

Mr. Roth is the former Chairman and current Member of the Board of Directors of the MFY Legal Services Inc., which provides free legal representation in civil matters to the poor and the mentally ill in New York City. He also serves as a member of the Cornell University Council and both the Board of Trustees of the Law Center Foundation and the Dean's Strategic Council at New York University School of Law.

Mr. Roth is admitted to practice in the State of New York and the District of Columbia. His court admissions include the United States District Courts for the Southern and Eastern Districts of New York, the United States District Court for the Eastern District of Wisconsin, the United States Courts of Appeals for the Second, the Fourth, the Fifth, the Eighth, the Ninth, the Eleventh and the District of Columbia Circuits, and the United States Supreme Court. He is a member of the New York State Bar Association, the District of Columbia Bar, the American Bar Association and the Federal Bar Council.

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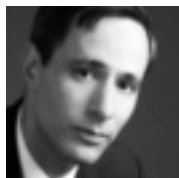
John F Savarese has been a partner in the Litigation Department of Wachtell, Lipton, Rosen & Katz in New York for over 15 years. He has represented numerous Fortune 500 corporations, major financial institutions and senior executives in SEC and other regulatory enforcement proceedings, as well as white-collar criminal investigations, complex securities litigation, and internal investigations. His extensive experience includes major investigations concerning accounting fraud, insider trading, criminal tax, criminal antitrust, and the Wall Street research analyst allegations.

Mr. Savarese joined Wachtell Lipton in 1988, after working in the United States Attorney's Office for the Southern District of New York, where he tried numerous jury trials, received the Attorney General's John Marshall Award for Outstanding Legal Achievement, and also served as Chief Appellate Attorney. Prior to his work with the United States Attorney's Office, Mr. Savarese served as a law clerk to Justice William J Brennan of the United States Supreme Court, and to the Honorable Louis H Pollak of the United States District Court for the Eastern District of Pennsylvania.

Mr. Savarese teaches a course on white-collar criminal law and procedure at Harvard Law School and recently became Chairman of the White Collar Criminal Law Committee of the New York City Bar Association. He also is a frequent lecturer and panelist for the American Bar Association, Stanford Law School's Directors' College program, the Practising Law Institute, and the Securities Industry and Financial Markets Association concerning a wide variety of topics, including defending civil and criminal litigation, handling corporate crises and conducting internal investigations. He has written numerous articles on those subjects and serves as a member of the board of editors of the *Securities Litigation Report*. Mr. Savarese was named the first Chairman of a newly formed Committee on White Collar Criminal Law of the New York City Bar Association. He also is a member of the Dean's Advisory Board at Harvard Law School, as well as the Chairman of the board of trustees of the Vera Institute of Justice in New York and a member of the board of the Lawyers' Committee for Civil Rights Under Law.

Mr. Savarese graduated, *magna cum laude*, from Harvard University in 1977 and received his JD, *cum laude*, from Harvard Law School in 1981, where he was an editor of the *Harvard Law Review*. Mr. Savarese is regularly recognized as one of the world's top litigators, including being selected in *The International Who's Who of Business Lawyers*, *Chambers USA Guide* and *Lawdragon's 500 Leading Lawyers in America*.

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William Savitt is a partner in the litigation department of Wachtell, Lipton, Rosen & Katz. He focuses on representing corporations and directors in litigation involving mergers and acquisitions, proxy contests, corporate governance disputes, class actions involving allegations of breach of fiduciary duty, and regulatory enforcement actions relating to corporate transactions. Mr. Savitt writes and speaks extensively on corporate and securities law topics and has developed and teaches a course at Columbia Law School on transactional litigation.

Mr. Savitt graduated *magna cum laude* from Brown University and received the MPhil degree from Columbia University in European Legal History. He graduated from *Columbia Law School* in 1997, where he was editor-in-chief of the *Columbia Law Review*. Upon graduation from law school, Mr. Savitt served as a law clerk to the Honorable Pierre N Leval of the United States Court of Appeals for the Second Circuit for the 1997 Term, and to the Honorable Ruth Bader Ginsburg of the United States Supreme Court for the October 1998 Term. Mr. Savitt is a member of the board of trustees of the *Columbia Law Review* and is a past executive director of Interfaith Hunger Appeal, a New York-based international hunger relief organization.

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Warren Stern has been a member of the litigation department at Wachtell Lipton Rosen & Katz since 1979, a partner from 1985 to 2009 and now is Of Counsel. At Wachtell Lipton Rosen & Katz Mr. Stern concentrates on corporate and securities litigation, and has been particularly active in cross-border matters and the financial services area.

Mr. Stern is admitted to practice in a number of federal courts, including the Supreme Court of the United States and the United States Court of Appeals for the Second Circuit. Mr. Stern received his BA, *summa cum laude*, from Columbia in 1974 and his law degree, *magna cum laude*, from Harvard in 1978, where he served on the *Harvard Law Review*. Prior to joining Wachtell Lipton, Mr. Stern clerked for the Honorable Henry J. Friendly of the United States Court of Appeals for the Second Circuit. Mr. Stern was a Covington & Burling Distinguished Visitor and Lecturer on Law at Harvard Law School in 2008, and has served as Lecturer on Law at Harvard since 2009. Mr. Stern has also been appointed Adjunct Professor of Law at New York University Law School, where he will teach securities litigation. He was named in 2008 as one of *Lawdragon's* "100 Lawyers You Need to Know in Securities Litigation" and was selected by *SuperLawyers* in 2009 as a leading New York lawyer in Securities and Business Litigation.

Mr. Stern is a Fellow of the American Bar Foundation, member of the American Law Institute, the American Bar Association, the New York State Bar Association and the New York City Bar Association. He is on the Editorial Advisory Board of *Securities Litigation Report*. Mr. Stern's *pro bono* activities have included human rights work with the Lawyers Committee for Human Rights and the New York City Bar Association.

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Paul Vizcarrondo has been a partner in the Litigation department of Wachtell Lipton Rosen & Katz focusing on corporate and securities litigation and regulatory and white collar criminal matters since 1981. He has tried significant cases in courts throughout the United States. He joined the firm in 1979, after having worked as Law Clerk to the Honorable Edward Weinfeld, US District Judge for the Southern District of New York (1973-1974), and as an Assistant US Attorney in the Southern District of New York (1974-1978). He was awarded the Department of Justice's Special Achievement Award for his work in the Securities and Commodities Fraud Unit of the US Attorney's Office.

Mr. Vizcarrondo has taught Trial Practice as an Adjunct Assistant Professor of Law at New York University School of Law and as a faculty member at the National Institute for Trial Advocacy. Since 1985 he has lectured on the federal securities laws for the Practising Law Institute. He also has spoken on litigation issues as a member of numerous continuing legal education panels. Mr. Vizcarrondo wrote the chapter on "RICO" in Obermaier & Morvillo's *White Collar Crime: Business and Regulatory Offenses*. He has served on several committees of the Association of the Bar of the City of New York, including the Criminal Law and Federal Courts Committees, and currently is a member of the Securities Litigation Committee; and has been a Master of the Federal Bar Council's Inn of Court. Mr. Vizcarrondo is recognized by *Chambers USA Guide*, *Best Lawyers in America*, *Lawdragon 500* and *Benchmark Litigation* as one of the top litigation lawyers in the country.

Paul Vizcarrondo graduated with a BS from Cornell University in 1970 and from Columbia University School of Law with a JD in 1973. While at Columbia, he was a Harlan Fiske Stone Scholar and Articles and Book Reviews Editor of the *Columbia Law Review*. He has been a member of the Columbia Law School Board of Visitors since 1998.

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Mr. Wachtell is a founding and senior partner of the law firm of Wachtell Lipton Rosen & Katz in New York. He is a graduate of New York University (1952) and its Law School (1954), has a Masters of Law degree from the Harvard University School of Law (1955) and has represented a wide range of clients in major commercial litigations throughout the United States, including extensive appearances in Federal and State appellate courts.

Mr. Wachtell was editor of the *New York University Law Review*, from 1953 to 1954 and an assistant US Attorney for the Southern District of New York from 1955 to 1957. He is the author of "New York Practice Under the CPLR," first edition, 1963, second edition, 1966, third edition, 1970, fourth edition, 1973, fifth edition, 1976, sixth edition, 1986, Practising Law Institute.

He is a Fellow of the American Bar Foundation, and the American College of Trial Lawyers. He is also a member of the American Law Institute, American Bar Association, The Association of the Bar of the City of New York, and the New York Bar Foundation.

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Marc Wolinsky has been a member of the Litigation Department at Wachtell Lipton Rosen & Katz since 1987. His practice includes corporate governance, contracts, insurance and securities litigation.

Most recently, Mr. Wolinsky led the successful defense of the challenge by Air Products to the maintenance of Airgas' "poison pill" and also led the representation of Rohm and Haas in compelling Dow Chemical to close on the acquisition of that company. Mr. Wolinsky was a lead member of the trial team that successfully defeated Tyson's claim that IBP had suffered a "material adverse change" in its business. The case, *IBP v. Tyson*, is the lead precedent on what constitutes a "material adverse change." Mr. Wolinsky also was the lead lawyer representing JC Flowers, Bank of America and JPMorgan Chase in Delaware Chancery Court litigation with Sallie Mae over whether Sallie Mae had suffered a material adverse change in its business.

Mr. Wolinsky recently led the representation of JPMorgan Chase in Delaware Chancery Court and New York Supreme Court litigation over JPMorgan's acquisition of Bear Stearns, and participated in the successful defense of Delaware Chancery Court litigation between IAC/Interactive and Barry Diller against Liberty Media and John Malone.

Following 9/11, Mr. Wolinsky was a lead member of the team representing Larry Silverstein in insurance litigation arising out of the destruction of the World Trade Center. As part of that representation, Mr. Wolinsky was a member of the trial team that successfully convinced a New York jury that the attacks on the World Trade Center should be treated as two "occurrences" for insurance purposes. He then led the effort to settle the case, which resulted in the May 24, 2007 announcement by then-Governor Spitzer of what was reported to be the largest property insurance settlement in history. Mr. Wolinsky is continuing to represent Silverstein in its ongoing disputes with the Port Authority. Mr. Wolinsky's antitrust matters include the representation of General Mills in an FTC investigation of its acquisition of Pillsbury, the defense of Cardinal Health in the FTC challenge to its acquisition of Bergen Brunswig and the representation of Great Northern Nekoosa in its antitrust suit against Georgia Pacific.

As part of his *pro bono* work, Mr. Wolinsky was the lead lawyer representing Joseph Steffan in his challenge to the ban on the service of gay men and women in the military, arguing the case to the DC Circuit sitting *en banc*. He also represents Anthony Oddone, a young man wrongly convicted of manslaughter.

Marc Wolinsky joined Wachtell after clerking for the Honorable Henry J Friendly of the United States Court of Appeals for the Second Circuit from 1980 - 1981. He received his BA with High Honors from Swarthmore College in 1977, and his JD with Honors from the University of Chicago Law School. While in law school, he was a member of *The University of Chicago Law Review* and served as a Comment and Articles Editor. Mr. Wolinsky has argued appeals in the DC Circuit, the New York Court of Appeals and the Appellate Division of the New York State Supreme Court. He is admitted to practice in the State of New York, the United States District Court for the Southern and Eastern Districts of New York, the United States Courts of Appeals for the Second, Seventh and DC Circuits and the United States Supreme Court.



WEIL GOTSHAL & MANGES

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Firm Profile

Weil, Gotshal & Manges LLP advises many of the world's most successful business organizations on complex legal matters. With approximately 1,200 lawyers in 20 offices across the US, Europe, and Asia, the firm is a leader in the marketplace for sophisticated, international legal services, providing seamless service no matter the location or area of expertise. The firm's goal is to understand and work toward achieving clients' key objectives, providing sound judgment on close calls and tough issues.

Weil's Litigation Department

Featuring approximately 400 lawyers in over a dozen practice areas and specialties, Weil's litigation practice is one of the largest, most diversified, and highly respected in the legal industry. Clients look to Weil for solutions to complex, multi-faceted legal challenges, including business disputes, regulatory actions, financial distress, and other potentially enterprise-changing circumstances. Weil's litigators partner with clients not just to address immediate concerns, but to integrate legal strategy into the wider framework of their current and future business objectives.

Complex Commercial Litigation. Weil is a go-to firm for commercial litigation and has achieved victories in recent high-profile matters for eBay, CBS Corporation, Exxon Mobil Corporation, and UnitedHealth Group, among others. The group specializes in high-stakes breach of contract, fraud, tortious interference, unfair competition and other business tort claims, class actions, and litigations arising under RICO and numerous other statutes. The firm's comprehensive services, recognized track record, efficiency, and extensive worldwide experience makes it a favored choice at any and every stage of the litigation process.

Securities Litigation. Weil's Securities Litigation group has handled numerous high-stakes, precedent-setting assignments over the past decade, including those relating to the insolvency or restructuring of major financial institutions, high-profile SEC enforcement proceedings, white collar securities prosecutions, proxy contests, busted-deal litigation, class action and derivative litigation, and litigation arising out of accounting restatements.

Intellectual Property. Weil's IP lawyers are internationally recognized for their skills and experience litigating large, complex cases in connection with evolving areas of law, technology, and business. The group's work in the area of digital media has been trail-blazing, touching on multiple areas of commercial significance including e-commerce, digital rights management, and digital content licensing. The group is also recognized for its involvement in false advertising, music licensing, television/motion picture and other content distribution, and privacy/data protection, among other IP disciplines.

Patent Litigation. Our Patent Litigation group is known for winning commercially significant disputes in the life sciences, semiconductor, electronics, and computer technology areas. We have received extensive recognition from clients, peers, and the press as a best-in-class practice and regularly represents industry leaders, including such as Cisco Systems, Inc., General Electric, Merck & Company, Inc., Micron Technology, Inc., Microsoft Corporation, and Oracle Corporation.

Product Liability. The group specializes in handling significant products liability and complex mass tort matters, including nationwide class actions, MDL proceedings, and joint state/federal litigations. Our group has won some of the largest consumer fraud class actions involving alleged product defects in the US and has handled one of the single-largest product recalls in European history. Its experience extends to a broad range of areas, including automotive products, industrial chemicals, medical devices, toys, food and beverage, PCBs, pharmaceuticals, OTC consumer products, building products, heavy equipment, and airlines.

Employment. Consistently ranked as a leading firm nationwide in employment litigation and employment counseling, Weil litigates and advises clients on the full spectrum of employment issues, focusing on complex, multi-disciplinary problems, such as class and mass actions, large-scale reductions in force, executive compensation, separation and employment agreements, ERISA litigation, and restrictive covenant and trade secrets litigation. Notable clients include UnitedHealth Group, Merrill Lynch & Co., Inc., Avon Products, Inc., Marsh USA, Inc., Forest Laboratories, and Gate Gourmet, Inc.

White-Collar Defense & Investigations. Led by an elite group of highly-ranked criminal defense lawyers, Weil's White Collar practice conducts complex internal investigations and handles an array of criminal, civil, and regulatory litigation stemming from serious accounting investigations, antitrust, allegations of insider trading, market manipulation, cartelization, and allegations related to US criminal and regulatory laws with international and extraterritorial dimensions, such as the Foreign Corrupt Practices Act.

International Arbitration and Trade. Weil's International Arbitration and Trade practice possesses vast experience, having been involved in more than 200 major international disputes – including scores of arbitrations – dealing with the laws of dozens of different nations. Leading multinationals involved in important international disputes turn to Weil for its business-oriented approach and its recognized skill in handling complex investment and commercial arbitrations in all major arbitral institutions, including the ICC, AAA, LCIA, ICSID, the Iran-U.S. Claims Tribunal, and WIPO.

WHITE & CASE

Firm Overview

White & Case is a leading global law firm with lawyers in 36 offices across 25 countries.

We advise on virtually every area of law affecting cross-border business and our knowledge, like our clients' interests, transcends geographic boundaries.

Whether in established or emerging markets, our commitment is substantial, with dedicated on-the-ground local knowledge and presence.

At the same time, working between offices and cross-jurisdiction is second nature and we have the experience and infrastructure to make it happen effortlessly.

We work with the world's most well established and most respected companies—including two-thirds of the *Global Fortune 100* and half of the *Fortune 500*—as well as start-up visionaries, governments and state-owned entities.

Litigation Overview

Our litigation practice includes more than 200 US litigators and a team of nearly 400 litigators in 19 countries. We successfully represent clients in a wide range of cases, including complex business, financial, antitrust and securities disputes; consumer and commercial class actions; regulatory actions and criminal matters; and cutting-edge patent, trademark and technology disputes.

Our litigators have substantial experience representing clients in most industries and before all types of trial, appellate, regulatory and alternative dispute resolution tribunals, as well as government agencies, including the SEC, the US Attorney General's Office, the New York Stock Exchange, the US Department of Justice, the US Departments of State, Commerce and Treasury, the US Patent & Trademark Office, the IRS, the Federal Trade Commission and the International Trade Commission.

Our litigators include former in-house counsel from leading companies, a US District Judge, a Florida Supreme Court Judge, the US Deputy Attorney General, a presidentially appointed US Attorney, a Senior Associate Counsel to the President and Legal Advisor to the National Security Council, former trial counsel for the SEC and numerous former state and federal prosecutors.

Recent representations include **Stolt Nielsen SA**, in an April 2010 US Supreme Court victory denying class arbitration of antitrust claims, **Pfizer** in a trial victory in its lengthy patent dispute with Teva Pharmaceuticals and the **Log Cabin Republicans** in its legal challenge to overturn the US government's "Don't Ask, Don't Tell" policy prohibiting homosexuals from openly serving in the military. This was the first successful facial challenge to the constitutionality of DADT and is an historic victory in one of the major civil rights issues of our time.

Recognition

National and international legal ranking services have recognized White & Case lawyers:

- This firm's disputes practice offers considerable geographical spread, with highly regarded offices on both US coasts, as well as across Europe and in Japan. *Chambers Global 2011*
- "Global Elite in Antitrust/Competition" *Global Competition Review 2011*
- White & Case's International Arbitration Practice has risen to Band One in Chambers Global, one of only two firms worldwide to be ranked in the highest category. *Chambers Global 2011*
- A "Class Action Law Firm of the Year" *Law360 2011*
- "Top 10 US Firm"

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Mr. Drivas is the chair of the firm's Global Intellectual Property Practice Group. His practice is in patent litigation and counseling and technology transfer.

Mr. Drivas is a registered US patent attorney and represents clients in patent and technology related disputes in the Patent office, courts and before arbitration panels.

In addition to his litigation practice, Mr. Drivas advises clients on the acquisition and licensing of intellectual property rights, joint development agreements and strategic alliances.

Mr. Drivas is consistently recognized as a leading practitioner in his field by leading legal publications and ranking guides.

Education

JD, Fordham University School of Law, 1984
BS, Biochemistry, City University of New York, 1977

Bars and Courts

New York State Bar
US Supreme Court
US District Courts for the Southern and Eastern Districts of New York
US Court of Appeals for the Federal Circuit
US Patent and Trademark Office

Professional Associations

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Paul Friedland is head of the White & Case International Arbitration Practice Group. He has served as counsel or arbitrator in numerous international arbitrations, both commercial and investor/state. Mr. Friedland holds leadership positions in several arbitration institutes, including Chair of the Law Committee and member of the Board of Directors of the American Arbitration Association; Court Member of the LCIA; Vice Chair and member of the Executive Committee of the Institute for Transnational Arbitration; and member of the ICC Commission on Arbitration.

Mr. Friedland is repeatedly ranked by industry publications among the top arbitration practitioners.

"He has carved a reputation based on a 'high degree of professionalism' and a capacity to be 'inventive and lateral thinking.' Moreover, this New York-based partner is 'extremely bright and quick' and 'works well with inside counsel, as well as technical and business people.' Lastly, he is 'very well connected in the world of international arbitration and is well known and respected by the leading practitioners and arbitrators in the field'" (*The Legal 500* 2009).

"A 'tenacious, sharp and analytical operator who is always able to cut right to the heart of the issue.' Clients, meanwhile, have nothing but admiration for his 'flexibility and responsiveness.'" (*Chambers USA* 2008).

"Has a more extensive technical knowledge of arbitration than any other lawyer out there – you can go to him with any conceivable question.' Clients also praised his 'quickness of mind' and 'the seriously impressive speed at which he outpaces opponents or witnesses'" (*Chambers USA* 2006).

A frequent writer and speaker on international arbitration topics, Mr. Friedland is the author of *Arbitration Clauses for International Contracts* (2d. ed. 2007), described as a "must-have for all practitioners working in the burgeoning field of international arbitration" (*N.Y. Law Journal*, April 2008).

Mr. Friedland regularly advises clients at the contract drafting stage on options for dispute resolution mechanisms, and at the pre-arbitral stage on options for mediation or other alternative dispute resolution processes.

Mr. Friedland also has broad experience of US litigation, having secured favorable verdicts on behalf of his clients in two jury trials and one bench trial.

Mr. Friedland serves as Chair of the Task Force on Guidelines for Drafting International Arbitration Clauses for the IBA, on the Board of Trustees and Arbitration Committee for the US Council for International Business, and as an International Editor for the *World Arbitration and Mediation Reporter*, on the CPR Panel of Distinguished Neutrals.

Mr. Friedland received his law degree from Columbia University School of Law, where he was an Editor of the *Law Review*, a Kent Scholar and a Stone Scholar. He received his BA from Yale University.

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Glenn Kurtz is the Global Chair of Commercial Litigation at White & Case LLP. Mr. Kurtz is a very experienced trial and appellate lawyer, who handles complex cases, primarily class action and multi-district litigations, in federal and state courts throughout the United States, and in arbitrations.

Mr. Kurtz focuses on commercial cases, typically arising out of debt and equity investments, financing agreements, acquisition agreements, shareholder agreements, technology licenses, franchise and distributorship contracts and other significant agreements or arrangements. Mr. Kurtz has substantial trial experience in cases involving financial instruments, valuations, pricing and economic issues.

Mr. Kurtz handles M&A-related and other fiduciary litigation, and major securities fraud, RICO and other class action cases.

- Mr. Kurtz represents Walter Noel, a founder of the Fairfield Greenwich Group, in connection with the highly publicized multi-district litigation putative class action in federal court, and in state courts and related investigations arising out of the multibillion-dollar Madoff Ponzi scheme.
- Mr. Kurtz is counsel to Royal Ahold and certain affiliates in Royal Ahold Securities and ERISA litigations, among the largest multi-district litigation class action securities fraud/ERISA cases ever filed, involving billions of dollars.
- Mr. Kurtz also represents defendants in several multi-billion dollar RICO cases. For instance, Mr. Kurtz is representing US Foodservice in In re USF Pricing Litigation, a multi-district litigation putative class action pending in federal court in Connecticut challenging industry-wide putative pricing practices.

Mr. Kurtz also has extensive experience trying cases in major bankruptcies. He has represented debtors, creditors' committees, creditors, litigation trusts and equity holders in significant bankruptcies, including in connection with parallel proceedings brought in the United States and abroad.

- Mr. Kurtz represented certain lenders, including Indiana public pension funds, in opposing the Chrysler bankruptcy sale. The case raised numerous issues of first impression, including under the Troubled Asset Relief Program, and held substantial global interest. The opposition was repeatedly a leading story in major newspapers and television and radio news programs. Mr. Kurtz handled the expedited trial (after only six days of discovery), then the expedited appeal to the Court of Appeals for the Second Circuit (briefed and argued within two days), and then the temporary stay from the United States Supreme Court.
- Mr. Kurtz represented the major shareholders in the Delphi bankruptcy, and was successful in obtaining an order for the formation of an equity committee, over the objections of the debtors, the creditors committee, the lenders and the US Trustee. He then successfully represented defendants in a highly publicized, cutting-edge action seeking to compel specific performance of a \$2.5 billion equity investment in Delphi, and asserting numerous other tort, contract and statutory claims.

Mr. Kurtz has also successfully represented clients in sundry other high-profile cases, including for the NY Jets, the Guggenheim Museum and religious hierarchies.

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Ank Santens is a partner in the International Arbitration group of White & Case LLP, based in the New York office. With a decade of experience in international arbitration, Ms. Santens was recently featured in Euromoney's *Benchmark Litigation Guide*, *Chambers USA* and *Legal 500*. Clients say that she brings "enormous dedication to the case, with a level of commitment rarely encountered" (*Legal 500*, 2009).

Ms. Santens has served as counsel in arbitrations under all major international arbitration rules (ICC, ICDR/AAA, ICSID, LCIA, UNCITRAL), as well as Court of Arbitration for Sport (CAS) and *ad hoc* arbitrations and arbitrations under the rules of several regional centers. These arbitrations have involved countries and legal systems around the world. Ms. Santens has extensive experience in infrastructure, construction and energy, and has also handled significant disputes in the telecommunications, metals and mining, financial services, and consumer goods industries. She has advised sovereign clients on oil and gas concessions and the impact of land reform, and has represented an investor with a \$1 billion claim arising out of a nationalization. Ms. Santens has handled post-M&A disputes and regularly acts in commercial disputes as well as disputes arising out of joint ventures or other shareholder arrangements.

Ms. Santens also serves as an arbitrator. She represents clients before New York courts in arbitration-related litigation, and has overseen complex multi-jurisdictional and parallel proceedings.

Ms. Santens regularly advises on the drafting of dispute resolution clauses in international contracts and has assisted several clients in mediation and settlement negotiations.

Ms. Santens is a member of the New York State Bar and a Solicitor of England and Wales. Although she works principally in English, she often advises clients in French, Spanish and Flemish/Dutch and has notions of German.

Ms. Santens has written articles on a variety of international arbitration topics for publications including *Arbitration International*, *Global Arbitration Review*, *International Arbitration Law Review*, the IBA's *Arbitration Newsletter*, *kluwerarbitrationblog.com*, *Mealey's International Arbitration Report*, and *The Institute for Transnational Arbitration's News and Notes*. She is the Belgian country reporter for the upcoming revised edition of the *World Arbitration Reporter* (Juris).

Ms. Santens is a frequent speaker on international arbitration, including recently at ICC, LCIA, IBA, ICDR, JCAA, ITA, and CPR conferences.

She serves on the Executive Committee of the Foundation for International Arbitration Advocacy, the Sub-Committee on the Recognition and Enforcement of Arbitral Awards of the IBA, the International Commercial Disputes Committee of the New York City Bar, and the Advisory Board of the Institute for Transnational Arbitration. She also serves on the Board of Directors of The Flemish in the World USA, Assoc., as the Secretary of White & Case LLP, and as the Partner Chair of White & Case's New York Women's Network.

Ms. Santens has an LL.M. from Columbia University (1999) and Licentiate in Law and Candidate in Philosophy degrees from the Catholic University of Leuven in Belgium (1996). She studied law for one year at the Universidad de Granada, Spain (1995).