

I, Robert S. Schachter, declare as follows:

1. I am a member of Zwerling, Schachter & Zwerling, LLP (“ZSZ”). I am submitting this declaration in support of Plaintiffs’ application for an award of attorneys’ fees and expenses (“expenses”) in connection with services rendered in the above-entitled action.

2. ZSZ is Co-Lead Counsel and counsel of record for Plaintiff Michigan Multi-King, Inc.

3. The information in this declaration regarding ZSZ’s time and expenses is taken from time and expense printouts and supporting documentation prepared and/or maintained by the firm in the ordinary course of business. I am the Partner who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. Because of this review, reductions were made to both time and expenses in the exercise of billing judgment. Because of this review and the adjustments made, I believe that the time reflected in the firm’s lodestar calculation and the expenses, for which payment is sought, as set forth in this declaration, are reasonable in amount and were necessary for the effective and efficient prosecution and

resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace. After the reductions referred to above, the number of hours spent on this litigation from June 1, 2019 through September 30, 2023 by ZSZ is 4,735.6. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney/paraprofessional time based on the firm's current rates is \$ 3,600,159. The hourly rates shown in Exhibit A are the usual and customary rates set by the firm for each individual.

4. From June 1, 2019 through October 12, 2023, my firm's total expenses/charges in connection with the prosecution of the litigation are \$520,419.50, which are summarized by category in Exhibit B.

5. The following is additional information regarding certain of these expenses:

(a) Transportation, Hotels & Meals: \$ 8,569.50. In connection with the prosecution of this case, the firm has paid for travel expenses to, among other things: attend court hearings, meet with witnesses, mediators and opposing counsel and take or defend depositions. The date, destination and purpose of each trip will be made available to the Court on request.

(b) Photocopies: \$3,265. In connection with this case, the firm made in-house copies, charging \$0.10 per copy for a total of \$3,265. My firm also paid \$584.11 to outside copy vendors.

(c) Online Legal and Financial Research: \$14,718.04. This expense represents the expense incurred by ZSZ for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested.

(d) Contributions to Litigation Expense Fund (not previously reimbursed \$489,600. Robbins Geller Rudman & Dowd LLP maintains a litigation expense fund for certain common expenses in connection with the prosecution of this case. A breakdown of that fund can be found at Exhibit F to the Declaration of Alexandra S. Bernay Filed on Behalf of Robbins Geller Rudman & Dowd LLP in Support of Application for Award of Attorneys' Fees and Expenses.

6. The expenses pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

7. The identification and background of my firm and its partners is attached as Exhibit C.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 8th day of November 2023, at Boca Raton, Florida.

/s/ Robert S. Schachter

EXHIBIT A

Sheet1

Zwerling, Schachter & Zwerling, LLP
JUNE 1, 2019 THROUGH SEPTEMBER 30, 2023

NAME		HOURS	RATES	LODESTAR
Jeffrey C. Zwerling	(P)	4.7	995	\$ 4,677
Robert S. Schachter	(P)	1,013.8	995	\$ 1,008,731
Robin F. Zwerling	(P)	0.2	995	\$ 199
Susan Salvetti	(P)	0.3	995	\$ 299
Dan Drachler	(OC)	80.4	875	\$ 70,350
Ana Cabassa	(A)	912.8	700	\$ 638,960
Fred Isquith, Jr.	(OC)	11.8	725	\$ 8,555
Justin Tarshis	(A)	1,561.9	775	\$ 1,210,473
Donatella Keohane	(A)	711.5	695	\$ 494,493
Henry Avery	(A)	17.2	395	\$ 6,794
Ryan Weller	(A)	3.4	350	\$ 1,190
Jayne C. Nykolyn	(PL)	40.5	375	\$ 15,188
Willy T. Gonzalez	(PL)	353.9	375	\$ 132,713
Jennifer Ross	(PL)	23.2	325	\$ 7,540
TOTAL		4,735.6		\$ 3,600,159
(P) Partner				
(OC) Of Counsel				
(A) Associate				
(PL) Paralegal				

EXHIBIT B

Report Run: 10/12/2023 4:31:56PM

Zwerling, Schachter & Zwerling, LLP

Page 1 of 2

By: Ronne J. Sonkin

Costs Recap

ProVantage WIP 12

Costs dated from Jun 1 2019 thru Oct 12 2023

Recap by Cost Code

Code	Description	Count	Unbilled	Billed/Unpaid	Billed/History	Total Billed	Non-billable
AF	Airfare	6	3,808.30				
CT	Court Costs	2	457.36				
DB	Database Research/Online Research	32	14,718.04				
FF	Filing Fee	2	362.00				
Hotel	Hotel	6	2,420.34				
LF	Litigation Fund	9	489,600.00				
MLS	Meals	10	580.62				
OT	Other	1	27.17				
FX	Overnight Shipment	27	2,302.11				
PE	Photocopy - External	2	584.11				
PI	Photocopy - Internal	9	3,265.00				
TEL	Telephone	32	534.21				
TR	Travel	22	1,760.24				
	Totals	160	520,419.50	0.00	0.00	0.00	0.00

Recap by Type

	Count	Unbilled	Billed/Unpaid	Billed/Paid	Total Billed	Non-billable
Cash Costs	116	501,825.18				
Non-Cash Costs	44	18,594.32				

EXHIBIT C



**FIRM RESUME OF
ZWERLING, SCHACHTER & ZWERLING, LLP**

Zwerling, Schachter & Zwerling, LLP was formed on January 1, 1985 (the “Zwerling Firm”), and is currently involved in numerous class actions in the areas of antitrust, securities, and consumer rights.

The Zwerling Firm proudly was an active member of The 9/11 Project where it provided legal representation *pro bono* for the families of union-member victims of the World Trade Center attacks. It was invited to join The Project with eight other collaborating law firms, but was the only one, which regularly represents plaintiffs in litigation. New York Lawyers for the Public Interest coordinated The Project. The Project successfully obtained relief for those families above what they would have received from the 9/11 fund.

Antitrust / Consumer Litigation

The Zwerling Firm has acted or is presently acting as a lead counsel or member of an executive committee in numerous class actions involving antitrust claims and deceptive trade practices, including: *In Re: Google Digital Advertising Antitrust Litigation*, 1:21-md-03010 (S.D.N.Y.) (“*Google Advertising Litigation*”); *In re: Deere & Company Repair Services Antitrust Litigation*, 3:22-cv-50188 (N.D. Ill.) (“*John Deere*”); *In re: Juul Labs, Inc. Antitrust Litigation*, 20-cv-2345-WHO (N.D. Cal.) (“*Juul Antitrust Litigation*”); *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*, 18- MD-2819 (E.D.N.Y.); *Lincoln Adventures LLC et al v. Certain Underwriters at Lloyd’s London Members of Syndicates et. al.*, 2:08-cv-00235 (D. N.J.) (“*Lloyd’s Litigation*”); *White Mountain Fish LLC et al. v. Mowi ASA (f/k/a Marine Harvest ASA*, 19-22121-CIV, (S.D. Fla.) (“*Farmed Salmon Litigation*”); *In re Cipro Cases I and II*, JCCP Nos. 4154 and 4220 (Cal. Super.); *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, MDL No. 1383 (E.D.N.Y.); *In re OxyContin Litigation*, MDL No. 1603 (S.D.N.Y.); *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663 (D.N.J.) (“*Insurance Brokers*”); *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D.N.J.); *In re Tamoxifen Citrate Antitrust Litigation*, MDL No. 1408 (E.D.N.Y.); *Karofsky v. Abbott Laboratories*, No. CV-95-1009 (Me. Super. Ct. Cumberland County) (as well as in 10 related cases in other state courts); *In re Lorazepam and Clorazepate Antitrust Litigation*, MDL No. 1290 (D.D.C.) (as well as in 11 related cases in state courts); *Newman v. DuPont Merck Pharmaceutical Company*, No. 788358 (Cal. Super. Ct. Orange County); *Pickett v. Holland America Line-Westours, Inc.*, 6 P.3d 63 (Wash. Ct. App. 2000); *Latman v. Costa Cruise Lines, N.V.*, 758 So. 2d 699 (Fla. Dist. Ct. App. 2000); *Renaissance Cruises, Inc. v. Glassman*, 738 So. 2d 436 (Fla. Dist. Ct. App. 1999) (as well as in 7 related cases in other state courts); *Garcia v. General Motors Corporation*, No. L-4394-95 (N.J. Super. Ct.); *In re Playmobil Antitrust Litigation*, No. 9:95-cv-2896 (JS) (E.D.N.Y.); and *Boni v. America Online Inc.*, C.A. No. 95-C-07 (Del. Ch.) and *Feige v. America Online Inc.*, Index No. 118333/95 (N.Y. Sup. Ct. N.Y. County) (as well as other related cases in state courts).

In the antitrust area, the Zwerling Firm is currently Lead Counsel for the indirect purchasers in the *Juul Antitrust Litigation*, Co-Lead Counsel in the *Farmed Salmon Litigation*, Co-Lead Counsel in the *Lloyd's Litigation*, member of the Plaintiffs' Steering Committee in *John Deere Litigation*; member of the Advertiser Class Action Steering Committee in *Google Advertising Litigation*. The Zwerling Firm is also currently Liaison Counsel for end-payor plaintiffs in the *Restasis Antitrust Litigation*. In that capacity, the Zwerling Firm participates in all decision-making in connection with the prosecution of the litigation and serves as the direct liaison with the Court and other parties.

The Zwerling Firm has represented union health and welfare funds in litigation to recover damages for price-fixing and other anti-competitive behavior for over 20 years. Such actions have included the *Norvir Antitrust Litigation*, the *Tamoxifen Antitrust Litigation*, the *Lorazepam and Clorazepate Antitrust Litigation*, and the *Ciprofloxacin Hydrochloride Antitrust Litigation*. In both the federal MDL and the California *Cipro* cases, the Zwerling Firm served as Co-Lead Counsel challenging pay-for-delay pharmaceutical agreements on behalf of a class of indirect purchasers of the drug ciprofloxacin. As Co-Lead Counsel in California, the Zwerling Firm was able to revive a case that had been dismissed by numerous courts and abandoned by most of plaintiffs' counsel. In the process, California Co-Lead Counsel were able to reverse a significant error in the application of antitrust law to pharmaceutical reverse payment agreements and achieve a total settlement of \$399.1 million – a total in excess of plaintiffs' expert's estimate of single damages.

In *In re Abbott Laboratories Norvir Antitrust Litigation*, the Zwerling Firm represented the SEIU International Health Fund ("SEIU") against Abbott Laboratories in an action for monopoly leveraging under Section 2 of the Sherman Antitrust Act, as well as the California Unfair Competition law and state law unjust enrichment. In August, 2008, the parties reached a settlement whereby thirteen not-for-profit organizations shared almost \$5 million in Cy Pres funds.

The Zwerling Firm was appointed co-lead counsel for plaintiffs in numerous related indirect purchase actions brought against Mylan Laboratories, Inc. regarding injury to competition and monopolization, as well as price fixing. Those actions included an action in federal court, *In re Lorazepam & Clorazepate Antitrust Litigation*, and resulted in settlements of over \$100 million. The plaintiffs represented by the Zwerling Firm included several institutions, such as union health funds and private insurers.

The Zwerling Firm was co-lead counsel and a member of the Executive Committee in eleven actions filed against the major pharmaceutical manufacturers alleging violations of state antitrust laws for charging higher prices to consumers who purchased brand name prescription drugs from retail pharmacies. Those cases resulted in a \$65 million settlement. The courts presiding over those cases have commented on the Zwerling Firm's expertise:

- I think the lawyering in this case is most commendable. I think that both sides have accorded themselves in a manner that allows us to be proud of the profession. . . .

Transcript of Hearing at 16-17, *Kerr v. Abbott Laboratories*, No. 96-2837 (Minn. Dist. Ct. Nov. 24, 1998).

- [T]his Court, in particular, has been helped along every step of the way by some outstanding lawyering.....You can hardly say that there's been anything but five star attorneys involved in this case.

Transcript of Hearing at 31 & 33, *Scholfield v. Abbott Laboratories*, No. 96 CV 460 (Wis. Cir. Ct. Oct. 5, 1998).

- I think the quality of counsel is excellent.

Transcript of Hearing at 28, *McLaughlin v. Abbott Laboratories*, No. CV 95-628 (Ariz. Super. Ct. Oct. 28, 1998).

- I'll join my learned colleagues from this and other jurisdiction[s] in commending counsel in arriving at something that represents a great deal of hard work and a great deal of ingenuity in putting together a settlement of this magnitude and complexity, and especially the cost effective way in which this settlement is proposed to be distributed.

Transcript of Hearing at 17, *Karofsky v. Abbott Laboratories*, No. CV-95-1009 (Me. Super. Ct. Dec. 2, 1998).

In *Insurance Brokers*, settlements totaling over \$198 million were reached with three of the many defendant groups. The Zwerling Firm was also one of the three class counsel in *Rodriguez v. West Publishing Corporation*, No. 2:05-cv-3222 R(MCx) (C.D. Cal.), where a \$49 million settlement of antitrust claims was approved by the Court and affirmed by the Ninth Circuit Appeals on behalf of a class of law graduates enrolled in the BAR/BRI bar review courses.

In addition, the Zwerling Firm represented consumers who were victims of overcharging in the sale of toys in *In re Playmobil Antitrust Litigation*. Judge Seybert complimented the work of Class Counsel, including the Zwerling Firm, stating in her opinion certifying the Class:

As set forth in greater detail in the firm resumes...: (1) Zwerling, Schachter & Zwerling, LLP [and three other firms]...all have extensive familiarity with the prosecution of complex litigations, class actions and specifically, antitrust litigations. This is further borne out by counsels' submissions and conduct to date before this Court.

In re Playmobil Antitrust Litigation, 35 F. Supp. 2d 231, 245 (E.D.N.Y. 1998) (citation omitted).

In the area of deceptive trade practices, the Zwerling Firm was lead counsel in coordinated nationwide actions against the world's leading passenger cruise lines regarding their advertising practices concerning "port charges." (*Cicogna v. Royal Caribbean Cruises, Ltd.*, No. 96-8075 (Fla. Cir. Ct. Dade County); *Espinet v. Kloster Cruise Ltd.*, No. 96-8076 (Fla. Cir. Ct. Dade County); *Bellikoff v. Celebrity Cruises Inc.*, No. 96-8077 (Fla. Cir. Ct. Dade County); *Hackbarth v. Carnival Cruise Lines Inc.*, No. 96-8078 (Fla. Cir. Ct. Dade County); *Glassman v. Renaissance*

Cruises, Inc., No. 96-5490 (Fla. Cir. Ct. Broward County); *Pickett v. Holland America Line-Westours, Inc.*, No. 96-2-10831 (Wash. Super. Ct. King County) (“*Pickett*”), *Barton v. Princess Cruises Inc.*, No. BC 148448 (Cal. Super. Ct. Los Angeles County); *Millheiser v. Dolphin Cruise Line*, No. 96-18146 (Fla. Cir. Ct. Dade County); *Latman v. Costa Cruise Lines N.V.*, No. 96-18139 (Fla. Cir. Ct. Dade County); and *Cronin v. Cunard Cruise Line Ltd.*, Index No. 115899/96 (N.Y. Sup. Ct. N.Y. County)). These cases resulted in settlements in excess of \$100 million. In *Pickett*, the Court complimented the Zwerling Firm by declaring that “[t]his has been litigated very professionally from the beginning to the end.”

In addition, the Zwerling Firm was involved in cases regarding defective automobile brakes (*McGill v. General Motors Corporation*, Index No. 15525/95 (N.Y. Sup. Ct. Bronx County) (related to *Garcia v. General Motors Corporation*, No. L-4394-95 (N.J. Super. Ct.)).

The Zwerling Firm was appointed Administrator for the General Motors Diesel Litigation Fund under the direction of Judge Henry Bramwell, District Judge, United States District Court, Eastern District of New York.

Other Complex Litigation

The Zwerling Firm represented numerous Indian Tribes and Native Villages seeking relief from pharmaceutical manufacturers and distributors of prescription opioid drugs in *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). The Zwerling Firm served on the Tribal settlement committee, and helped organize and draft an amicus brief submitted on behalf of over 450 Tribes throughout the United States.

In *County of Nassau v. Hotels.com, L.P.*, No. 2:06-cv-5724 (ADS) (E.D.N.Y.), the Zwerling Firm represents Nassau County (NY) in a class action seeking to recover unpaid taxes from internet-based hotel reservation companies on behalf of a class consisting of all New York counties and municipalities.

In addition, the Zwerling Firm has also represented union health and welfare funds in litigation against the tobacco industry. Those claims were for the excess costs incurred by the funds in providing health care to the members of their unions as a result of the fraudulent and deceptive practices of the tobacco companies (*Eastern States Health & Welfare Fund v. Philip Morris, Inc.*, Index No. 603869/97 (N.Y. Sup. Ct. N.Y. County)).

The Zwerling Firm has been counsel in high profile constitutional and civil rights actions. In *Haley v. Pataki*, No. 3:95-cv-550 (TJM) (N.D.N.Y.), the firm obtained an order forcing the Governor of the State of New York to stop withholding salaries from legislative employees in an attempt to coerce members of the State Legislature to vote on his State budget. In a related case, *Dugan v. Pataki*, Index No. 16341/95 (N.Y. Sup. Ct. Kings County), the Zwerling Firm obtained the same relief for the elected members of the State Legislature.

The Zwerling Firm has represented the New York City Council in *Mayor of New York v. Council of New York*, Index No. 402354/95 (N.Y. Sup. Ct. N.Y. County), an action in which the Mayor challenged the legislative powers of the City Council in connection with the establishment

of a board to review allegations of police corruption.

The Zwerling Firm also represented the Straphangers Campaign, a mass transit advocacy group, in *New York Urban League, Inc. v. Metropolitan Transportation Authority*, No. 1:95-cv-9001 (RPP) (S.D.N.Y.), an action to compel the State of New York and the MTA to allocate transit subsidies in a manner which does not have a discriminatory impact on minority ridership in New York City.

Securities Litigation

The Zwerling Firm has acted or is presently acting as a lead counsel or as a member of an executive committee for plaintiffs in many securities related lawsuits, including: *McCoy v. Cullum & Burks Securities, Inc.*, No. 8:09-cv-1084-DOC (RNBx) (C.D. Cal.) (“Medical Capital Securities Litigation”); *Billitteri v. Securities America, Inc.*, No. 3:09-cv-1568-F (N.D. Tex.) (“Provident Royalties Litigation”); *Anwar v. Fairfield Greenwich Limited*, Master File No. 1:09-cv-118 (VM) (S.D.N.Y.) which obtained a recovery on behalf of investors in “feeder funds” that in turn invested with Bernard L. Madoff Securities, LLC.; *In re Citigroup Auction Rate Securities Litigation*, No. 1:08-cv-3139 (LTS) (S.D.N.Y.); *In re NYMEX Holdings Shareholder Litigation*, C.A. No. 3621 (VCN) (Del. Ch.); *In re Vonage Initial Public Offering (IPO) Securities Litigation*, No. 3:07-cv-177 (FLW) (D.N.J.); *In re BP Prudhoe Bay Royalty Trust Securities Litigation*, No. C06-1505 MJP (W.D. Wash.); *Diana Allen Life Insurance Trust v. BP plc*, No. 1:06-cv-14209 (PAC) (S.D.N.Y.); *In re First BanCorp Securities Litigation*, No. 3:05-cv-2148 (GAG) (D.P.R.); *Fox v. Levis*, No. 1:07-cv-3252 (RO) (S.D.N.Y.); *In re Silicon Image, Inc. Securities Litigation*, Master File No. C 05-456 (MMC) (N.D. Cal.); *In re Old Banc One Shareholders Securities Litigation*, No. 00C2100 (N.D. Ill.); *In re Network Associates Derivative Litigation*, No. CV 781854 (Cal. Super. Ct. Santa Clara County); *In re Telxon Corporation Securities Litigation*, No. 5:98-cv-2876 (KMO) (N.D. Ohio); *Hayman v. PricewaterhouseCoopers LLP*, No. 1:01-cv-1078 (KMO) (N.D. Ohio); *In re Corrections Corporation of America Shareholder Litigation*, Master File No. 98-1257-iii (Tenn. Ch.); *In re Adaptec Inc. Derivative Litigation*, No. CV 772590 (Cal. Super. Ct. Santa Clara County); *In re Pacific Scientific Securities Litigation*, No. SACV-96-1106-LHM(EEEx) (C.D. Cal.); *Kaplan v. Prins Recycling Corporation*, No. 2:96-cv-2444 (WHW) (D.N.J.); *In re Health Management Inc. Securities Litigation*, No. 9:96-cv-889 (ADS) (E.D.N.Y.); *Weikel v. Tower Semiconductor, Ltd.*, No. 2:96-cv-3711 (AJL) (D.N.J.); *In re Bennett Funding Group, Inc. Securities Litigation*, No. 1:96-cv-2583 (JES) (S.D.N.Y.); *In re Horizon/CMS Healthcare Corporation Securities Litigation*, Master File No. 1:96-cv-442 BB/LCS (D.N.M.); *Rosenberg v. Stauth*, No. 5:96-cv-1808-M (W.D. Okla.); *Solomon v. Armstrong*, C.A. No. 13515 (Del. Ch.) (the “GM/EDS Split-off Litigation”); *In re Archer Daniels Midland Company Derivative Litigation*, C.A. No. 14403 (Del. Ch.); *In re American Pacific Securities Litigation*, No. CV-S-93-576-PMP (D. Nev.); *McNeil v. Austin*, Index No. 33189/91 (N.Y. Sup. Ct. N.Y. County), *In re Foodmaker/Jack-in-the-Box Securities Litigation*, No. C93-517 WDL (W.D. Wash.); *In re Ames Department Stores, Inc. Stock Litigation*, No. 2:90-cv-27 (PCD) (D. Conn.); *In re General Development Corporation Securities Litigation*, No. 1:90-cv-691 (SM) (S.D. Fla.); *In re Republic Pictures Corporation Shareholders Litigation*, C.A. No. 13122 (Del. Ch.); *In re Blockbuster Entertainment Corporation Shareholders Litigation*, C.A. No. 13319 (Del. Ch.); *In re First Capital Holdings Corporation Financial Products Securities Litigation*, MDL No. 901 (C.D.

Cal.); *In re New World Entertainment Securities Litigation*, Master File No. CV 88-6260-MRP(Kx) (C.D. Cal.); *In re Anchor Securities Litigation*, No. 1:88-cv-3024 (CPS) (E.D.N.Y.); *In re 3Com Corporation Securities Litigation*, No. C-89-20480 (WAI) (N.D. Cal.); *In re Par Pharmaceutical, Inc. Derivative Litigation*, No. 1:89-cv-5497 (RPP) (S.D.N.Y.); *Fishbein v. Resorts International Inc.*, No. 1:89-cv-6043 (MGC) (S.D.N.Y.); *In re Bank of Boston Securities Litigation*, Master File No. 89-2269-H (D. Mass.); *In re Howard Savings Bank Securities Litigation*, No. 2:89-cv-5131 (WGB) (D.N.J.); *Merrit v. Gulf States Utilities Co.*, No. B-86-574-CA (E.D. Tex.).

In addition, the Zwerling Firm represents or has represented public employee pension funds and union pension funds in securities litigations, including: *In re MGIC Investment Corporation Securities Litigation*, No. 2:08-cv-458-LA (E.D. Wis.); *In re American International Group, Inc. Securities Litigation*, No. 1:08-cv-4772 (LTS) (S.D.N.Y.); *In re Doral Financial Corporation Securities Litigation*, MDL No. 1706 (S.D.N.Y.); and *Clinton Charter Township Police and Fire Retirement System v. Reckler*, No. 2:03-cv-5008 (TCP) (E.D.N.Y.).

The following is a representative sample of the complex securities claims which the Zwerling Firm has litigated:

- *In re First BanCorp Securities Litigation*, No. 3:05-cv-2148 (GAG) (D.P.R.) - co-lead counsel in securities fraud class action involving sham mortgage sales transactions between Puerto Rico banks. The Zwerling Firm achieved a \$74.25 million settlement in less than eighteen months of litigation, which is pending court approval.

- *Hayman v. PricewaterhouseCoopers, LLP*, No. 1:01-cv-1078 (KMO) (N.D. Ohio) - brought on behalf of investors in Telxon Corp. securities against the company's auditors for issuing false opinions on the company's financial statements. The Zwerling Firm obtained a recommendation for a default judgment against PricewaterhouseCoopers, LLP and subsequently settled the action for \$27.9 million.

- *In re Telxon Corp. Securities Litigation*, No. 5:98-cv-2876 (KMO) (N.D. Ohio) - a securities fraud class action where the Zwerling Firm, as sole lead counsel obtained a settlement of \$40 million on behalf of investors. Class members in the *PricewaterhouseCoopers* and *Telxon* actions received over 70% of their losses in the two settlements.

- *In re Corrections Corporation of America Shareholder Litigation*, Master File No. 98-1257-iii (Tenn. Ch.) - shareholder class action challenging a management-led buyout of public shareholders in exchange for shares in a publicly held REIT.
In re Bennett Funding Group, Inc. Securities Litigation, No. 1:96-cv-2583 (S.D.N.Y.) - securities fraud class action involving the single largest alleged Ponzi scheme in the United States. The Zwerling Firm has been on the Executive Committee which has successfully prosecuted the accountants, insurers, and sellers of the alleged fraudulent securities.

- *In re Health Management Inc. Securities Litigation*, No. 9:96-cv-889 (ADS) (E.D.N.Y.) - securities fraud class action alleging accounting fraud by the company and its auditors. The Zwerling Firm was co-lead trial counsel in the first case tried pursuant to the Private

Securities Litigation Reform Act of 1995.

- *Rosenberg v. Stauth*, No. 5:96-cv-1808-M (W.D. Okla.) - shareholders' derivative action involving alleged improper business practices at Fleming Companies, Inc. in which the demand futility defense was successfully defeated.

- *In re ICN/Viratek Securities Litigation*, No. 1:87-cv-4296 (S.D.N.Y.) - securities fraud class action involving FDA sought approval of an HIV drug.

- *McNeil v. Austin*, Index No. 33189/91 (N.Y. Sup. Ct. N.Y. County) - shareholders' derivative action regarding the sale of defective nuclear containment systems by General Electric.

- *In re Adaptec Inc. Derivative Litigation*, Master File No. CV 772590 and *In re Network Associates Derivative Litigation*, Master File No. CV 781854 (Cal. Super. Ct. Santa Clara County) – shareholders' derivative lawsuits pursuant to California's insider trading statute to recover profits from the company's officers and directors.

- *In re Ames Department Stores, Inc. Stock Litigation*, No. 2:90-cv-27 (PCD) (D. Conn.) - securities fraud class action in which the Second Circuit reaffirmed the scope of the "in connection with" requirement of the Securities Exchange Act § 10(b).

Courts have commented favorably upon the expertise of the Zwerling Firm. In appointing the Firm as lead counsel in *In re Old Banc One Shareholders Securities Litigation*, No. 00C2100 (N.D. Ill.), the Court noted that the "attorneys have extensive experience, many successes on their resumes, and have obtained sizable recoveries on behalf of their clients." Minute Order dated December 21, 2000.

In appointing it as lead counsel in *In re Telxon Corporation Securities Litigation*, No. 5:98-cv-2876 (KMO) (N.D. Ohio), the Court determined that the Zwerling Firm has "the requisite ability and expertise to prosecute and manage this litigation effectively." Memorandum and Order at 39, August 25, 1999.

As a member of a team of plaintiffs' trial counsel in *In re ICN/Viratek Securities Litigation*, No. 1:87-cv-4296 (S.D.N.Y.), the Zwerling Firm was complimented by Judge Kimba Wood as having done a "superb job on behalf of the class. This was a very hard fought case. You had very able, superb opponents, and they put you to your task. The trial work was beautifully done and I believe very efficiently done."

In *In re Par Pharmaceutical, Inc. Derivative Litigation*, No. 1:89-cv-5742 (RPP) (S.D.N.Y.), Judge Patterson, in commenting on the Zwerling Firm, said "[they] acted skillfully and resourcefully [The Zwerling Firm] exercised wisdom and judgment and negotiated a skillful settlement with the defending company and with the officer and director/defendants." Slip opinion dated June 15, 1992.

Chief Judge Weinstein, in the *Jack Eckerd Corporation* litigation (E.D.N.Y. 1986), and Judge Charles P. Sifton in both *Golden v. Shulman*, [1988 Transfer Binder] Fed. Sec. L. Rep.

(CCH) ¶ 94,060 (E.D.N.Y. Sept. 30, 1988) and *Cagan v. Anchor Savings Bank, FSB*, [1990 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 95,324 (E.D.N.Y. May 22, 1990) also commented favorably upon the Zwerling Firm.

One of the partners of the Zwerling Firm was appointed by former Chief Judge Browning as Proof-of-Claim Counsel in connection with the loss analysis in *In re Washington Public Power Supply System Securities Litigation*, MDL No. 551 (D. Ariz.). In that matter, former United States District Judge Nicholas J. Bua, as Special Master appointed by the Court, in commenting on one of the partners in the Zwerling Firm, said: “I...find that the services of Mr. Schachter were efficiently and reasonably performed by him personally....Mr. Schachter specifically was appointed by the District Court to serve as Claims Counsel. It was not unreasonable for a senior partner like Mr. Schachter, with his vast knowledge of the case, to directly oversee the claims administration process rather than relying upon less knowledgeable junior attorneys. The class received its money’s worth for Mr. Schachter’s services.”

Members of the Firm

Jeffrey C. Zwerling

Jeffrey C. Zwerling was admitted to the bar of the State of New York in 1972 and to the bar of the State of Arizona in 1981; he is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Second Circuit. He received a Bachelor of Science degree with Honors from Lehigh University in 1968 and a Juris Doctor degree from Columbia University School of Law in 1971. He was Articles Editor of the *Columbia Journal of Transnational Law*. His professional affiliations include: the Second Circuit Federal Bar Council, New York State Bar Association, Association of the Bar of the City of New York, Nassau County Bar Association, and State Bar of Arizona. Mr. Zwerling was chosen as among the top 5% of attorneys in the New York City area as a “Super Lawyer”; he is rated in Martindale Hubbell as a “Preeminent Lawyer”.

On July 1, 1977, Mr. Zwerling founded the Law Offices of Jeffrey C. Zwerling; on January 1, 1985 that firm became Zwerling, Schachter & Zwerling, LLP. Prior to 1977, Mr. Zwerling was associated with the firms of Gasperini, Koch & Savage; Koch & Gluck; and Murray A. Gordon, P.C., with emphasis on civil litigation, real estate, and general corporate and commercial matters. Mr. Zwerling has represented and advised the Uniformed Fire Officers Association in regard to its pension funds and annuity plans.

Mr. Zwerling has extensive experience in all phases of complex litigation, including jury and non-jury trials, mediation, expert discovery, and settlement negotiations. He has negotiated several innovative corporate governance and structural changes in the resolution of shareholders' complaints. He is highly knowledgeable about economic and finance issues. Mr. Zwerling co-authored “The Dell Case: The Doors To The Courts Close Further For Investors” in the *Aspatore Special Report* (Thomson Reuters/Aspatore 2008).

Robert S. Schachter

Robert S. Schachter was admitted to the bar of the State of New York in 1972; he is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, the Central District of California, the Eastern District of Wisconsin, the United States Court of Appeals for the Federal Circuit, the Second, Fifth, Seventh, Ninth and Eleventh Circuits, and the Supreme Court of the United States. He received a Bachelor of Arts degree from Syracuse University in 1968 and a Juris Doctor degree from Brooklyn Law School in 1971. His professional affiliations include: The American Bar Association (Lecturer, Panels in Class Actions, 1980 and 1998) and the Second Circuit Federal Bar Council. Mr. Schachter was chosen as among the top 5% of attorneys in the New York City area as a “Super Lawyer”; he is rated in Martindale Hubbell as a “Preeminent Lawyer”.

Mr. Schachter was a panelist at the Public Funds Summit (2002-2004), Investment Education Symposium sponsored by the Council of Louisiana Trustees (2002), and Fire & Police Pension Summit (2002). Mr. Schachter is a panelist for a series of seminars moderated by the late Professor Francis McGovern of the Duke University Law School concerning “Distribution of Securities Litigation Settlements—Improving the Process.” These seminars are aimed to develop solutions to improve the efficiency and effectiveness of securities litigation settlement distributions. Participants in the conference include attorneys, judges, regulators, institutional filers and claims administrators. The purpose of the seminars is to prepare a report for presentation to the Federal Judicial Conference.

Prior to the formation of the Zwerling Firm, Mr. Schachter was associated from 1973 through 1984 with the firm now known as Labaton Sucharow LLP. Mr. Schachter became a partner of that firm on January 1, 1978, concentrating in complex multi-district litigation.

Mr. Schachter has extensive experience in all phases of complex litigation. He has been involved in many settlement negotiations, as well as the drafting of complex settlement documents, and has particular expertise in the administration of class settlements. Mr. Schachter has been instrumental in crafting novel settlements which have been applauded by courts in securities, as well as antitrust matters, including corporate governance issues.

Robin F. Zwerling

Robin F. Zwerling was admitted to the bar of the State of New York in 1976; she is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second, Fourth, Sixth, Seventh and Ninth Circuits, and the Supreme Court of the United States. She received a Bachelor of Arts degree *cum laude* from Jackson College of Tufts University in 1972, and a Juris Doctor degree from Georgetown University Law Center in 1975. Her memberships include: the American Bar Association and the National Association of Securities and Commercial Law Attorneys, and the

Second Circuit Federal Bar Council.

As a member of the Program Committee of the Second Circuit Federal Bar Council, Ms. Zwerling plans and coordinates Continuing Legal Education programs. She was chosen as among the top 5% of attorneys in the New York City area as a “Super Lawyer”; she is rated in Martindale Hubbell as a “Preeminent Lawyer”.

Ms. Zwerling has concentrated in litigation since her graduation from law school. At that time, she became associated with Martin, Clearwater & Bell, becoming a partner in 1982 and remained there until the formation of the Zwerling Firm in 1985. Ms. Zwerling has extensive experience in all phases of litigation, including trials and appellate arguments. She has tried cases in both state and federal courts. Ms. Zwerling successfully completed the National Institute of Trial Advocacy’s Advanced Trial Practice course after having tried a number of cases.

Susan Salvetti

Susan Salvetti was admitted to the bar of the State of New York in 1980; she is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second and Sixth Circuits. She received a Bachelor of Arts degree *summa cum laude* from Thomas More College of Fordham University in 1976 and a Juris Doctor degree from Fordham University School of Law in 1979. Her memberships include: the Second Circuit Federal Bar Council, Who’s Who in American Women, and Phi Beta Kappa, and is rated in Martindale Hubbell as a “Preeminent Lawyer”. Ms. Salvetti authored the published *Report on Class Certification for Particular Issues Pursuant to Federal Rules of Civil Procedure 23(C)(4)(A)*, 12 NYLitigator 63 (2007).

Ms. Salvetti has concentrated in litigation throughout her career, becoming a partner of the Zwerling Firm on January 1, 1992. Prior to her association with the firm in 1985, she was associated with Martin, Clearwater & Bell. Prior to that time, Ms. Salvetti was associated with Newman, Tannenbaum, Helpen & Hirschtritt, a general practice firm.

Ms. Salvetti has extensive experience in all phases of complex litigation, including as trial counsel; she has also taken and defended numerous depositions, argued motions before trial and appellate courts, and negotiated complicated settlements in both securities and consumer matters.

Ms. Salvetti played a pivotal role as a member of a team of plaintiffs’ trial counsel in In re ICN/Viratek Securities Litigation, No. 1:87-cv-4296 (S.D.N.Y.). Ms. Salvetti was complimented by Judge Kimba Wood as having done a “superb job on behalf of the class.... This was a very hard fought case. You had very able, superb opponents, and they put you to your task.... The trial work was beautifully done and I believe very efficiently done....”

Senior Counsel

Justin M. Tarshis

Justin M. Tarshis was admitted to the bar of the State of New York in 2003; he is also admitted to the United States District Court for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit. He received a Bachelor of Science degree from the University of Wisconsin in 1999, and a Juris Doctor degree *cum laude* from Brooklyn Law School in 2002. While in law school, Mr. Tarshis was the recipient of the Samuel L. Sporn Academic Achievement Scholarship and the CALI Excellence for the Future Award in Civil Practice. In addition, Mr. Tarshis served as an intern to the Honorable Shira A. Scheindlin of the Southern District of New York, as well as an intern in the New York State Attorney General's Office.

Associates of the Firm

Donatella P. Keohane

Donatella P. Keohane was admitted to the bar of the State of New York in 2003; she is also admitted to the Brazilian bar (State of Rio de Janeiro chapter). She received a Bachelor of Laws degree from Universidade Federal do Rio de Janeiro in 1998, and a Master of Laws degree from Fordham University School of Law in 2002. Prior to her association with the Zwerling firm, Ms. Keohane had been associated with Clifford Chance US LLP.

Jessica C. Hermes

Jessica C. Hermes was admitted to the bar of the State of New York in 2016. She received a Bachelor of Arts degree from Villanova University in 2012 and a Juris Doctor degree from New York University School of Law in 2015, where she was Notes Editor and Staff Editor for the *Journal of Legislation & Public Policy*.

Ms. Hermes has been involved in all phases of litigation, including drafting and responding to discovery requests, preparing for depositions, drafting motions, and preparing for and participating in hearings and trials.

She has been involved in complex litigation matters related to securities and antitrust law.