

# **EXHIBIT 3**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

*In re K-Dur Antitrust Litigation*

This document relates to:

All Direct Purchaser Class Actions

Civil Action No. 01-cv-1652(SRC)(CLW)  
MDL Docket No. 1419

**DECLARATION OF BRUCE E. GERSTEIN ON BEHALF OF GARWIN GERSTEIN &  
FISHER LLP IN SUPPORT OF CLASS COUNSEL’S MOTION FOR AN AWARD OF  
ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES AND INCENTIVE AWARD  
FOR THE CLASS REPRESENTATIVE**

I, Bruce E. Gerstein, under penalty of perjury under the laws of the United States of America, declare as follows:

1. I am the managing partner of the law firm Garwin Gerstein & Fisher, LLP, one of the law firms appointed by the Court as Co-Lead Counsel for the direct purchaser class. I am submitting this declaration in support of Class Counsel’s motion for attorneys’ fees and reimbursement of expenses in connection of services rendered by Garwin Gerstein & Fisher in the above-captioned litigation. A copy of my firm’s resume is attached hereto as Exhibit 1. The factual matters set forth and the assertions made herein are true and correct to the best of my knowledge, information and belief.

2. As Co-Lead Counsel, I have been responsible for all aspects of the above-captioned litigation starting from its inception through the negotiation of Direct Purchaser Class Plaintiffs’ (“DPCPs”) settlement with Defendants and continuing.

3. My firm worked on all aspects of the case and guided the litigation at all of its

stages, including drafting discovery requests and analyzing Defendants' responses, conducting document review, briefing and/or participating in the briefing of all stages of motion practice (including class certification, summary judgment, and discovery motion practice), taking fact and expert depositions, preparing for and participating in mediation, formulating case strategy, and preparing for trial.

4. Additionally, organization of counsel is critical to the efficient management of complex litigation, and my firm, as Co-Lead Counsel, allocated assignments and coordinated their implementation through meetings, emails and conference calls.

5. All attorneys, paralegals and law clerks at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case.

6. The schedule below is a summary of the amount of time spent by my firm's attorneys, paralegals and law clerks: (a) from the inception of the litigation through the date on which the settlement with Defendants was agreed to in principal; and (b) additional time through the date of this submission that relates to the finalization and execution of the Settlement and approval thereof.

7. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

| <b>Attorney</b>     | <b>Status</b>  | <b>Total Hours</b> | <b>Current Hourly Rate</b> | <b>Total Lodestar</b> |
|---------------------|----------------|--------------------|----------------------------|-----------------------|
| Susan Roth          | Paralegal      | 232.50             | \$375.00                   | \$87,187.50           |
| Stephen H. Schwartz | Former Partner | 0.25               | \$485.00                   | \$121.25              |
| Scott W. Fisher     | Partner        | 10.75              | \$900.00                   | \$9,675.00            |
| Rimma Neman         | Paralegal      | 27.33              | \$245.00                   | \$6,695.85            |

|                    |                  |                 |            |                       |
|--------------------|------------------|-----------------|------------|-----------------------|
| Patricia Long      | Paralegal        | 6.75            | \$320.00   | \$2,160.00            |
| Kimberly Hennings  | Associate        | 3002.75         | \$700.00   | \$2,101,925.00        |
| Kevin Landau       | Former Partner   | 6.00            | \$675.00   | \$4,050.00            |
| Joseph Opper       | Partner          | 2262.79         | \$950.00   | \$2,149,650.50        |
| Jeffrey Lax        | Former Associate | 169.75          | \$250.00   | \$42,437.50           |
| Janet Seidman      | Paralegal        | 118.25          | \$275.00   | \$32,518.75           |
| Jan Bartelli       | Former Partner   | 10.00           | \$675.00   | \$6,750.00            |
| Ephraim Gerstein   | Associate        | 0.25            | \$700.00   | \$175.00              |
| Elena K. Chan      | Associate        | 0.75            | \$700.00   | \$525.00              |
| Don Apolinar       | Paralegal        | 889.75          | \$315.00   | \$280,271.25          |
| Bruce E. Gerstein  | Partner          | 565.50          | \$1,100.00 | \$622,050.00          |
| Brett H Cebulash   | Former Partner   | 1.00            | \$700.00   | \$700.00              |
| Barry S. Taus      | Former Partner   | 312.00          | \$750.00   | \$234,000.00          |
| Archana Tamoshunas | Former Associate | 250.17          | \$625.00   | \$156,356.25          |
| Anne Fornecker     | Former Associate | 109.00          | \$625.00   | \$68,125.00           |
| Anna Tydniouk      | Associate        | 19.75           | \$625.00   | \$12,343.75           |
| Adam Weiss         | Former Paralegal | 12.00           | \$160.00   | \$1,920.00            |
| Adam Steinfeld     | Former Associate | 7.25            | \$675.00   | \$4,893.75            |
| <b>TOTAL</b>       |                  | <b>8,014.54</b> |            | <b>\$5,824,531.35</b> |

8. My firm has also incurred a total of \$658,095.75 in unreimbursed expenses in connection with the prosecution of the litigation. These expenses were reasonably and necessarily incurred in connection with this litigation and include:

| <b>Expense</b>              | <b>Amount</b> |
|-----------------------------|---------------|
| Litigation Fund Assessments | \$504,120.00  |
| Filing Fees                 | \$5.00        |
| Mediation                   | \$12,541.20   |
| Travel/Hotel/Meals          | \$58,894.70   |
| Telephone/Facsimile         | \$9,717.63    |
| Fedex/Messengers            | \$8,323.24    |

|                     |                     |
|---------------------|---------------------|
| Photocopies         | \$28,464.27         |
| Legal Research      | \$32,279.72         |
| Transcript Ordering | \$324.99            |
| Expert Fee          | \$3,200.00          |
| Web Postings        | \$225.00            |
| <b>TOTAL</b>        | <b>\$658,095.75</b> |

9. The expenses incurred in this action are also reflected on the books and records of my firm. These books and records are prepared from expense vouchers, receipts and other source material and accurately record the expenses incurred.

Dated: July 17, 2017



BRUCE E. GERSTEIN

# EXHIBIT 1

## ***RESUME OF***

### ***GARWIN GERSTEIN & FISHER LLP***

Garwin Gerstein & Fisher LLP and its predecessor firms have successfully championed the rights of investors, consumers, small businesses and the public for over fifty years in complex class action litigation involving such issues as:

- *Antitrust violations, such as price-fixing and other anti-competitive practices;*
- *The violation of investors' rights as a result of securities fraud or breaches of fiduciary duty;*
- *Unfair and deceptive trade practices;*
- *Deceptive insurance practices;*
- *Employment discrimination practices.*

Set forth below is a sampling of cases in which Garwin Gerstein & Fisher has acted as lead or co-lead counsel over the past few years alone:

- (a) *In Re Hypodermic Products Direct Purchaser Antitrust Litigation*, Master Docket No. 2:05-cv-01602-JLL-MAH (D.N.J.). Lead Counsel on behalf of a class of direct purchasers of hypodermic needle products; confirming important Third Circuit law on the issue of standing to pursue direct damages under federal antitrust laws (2012 U.S. App. Lexis 11293 (3d Cir. 2012)); case resolved in 2012 for \$45 million in cash;
- (b) *Meijer, Inc. et al. v. Abbott Laboratories*, Case No. 07-5985 (CW) (N.D. Cal.) Co-Lead Counsel for a class of direct purchasers of Norvir; after successfully certifying a class of direct purchasers, defeating motions to dismiss and summary judgment and preparing for and opening at trial, the case was resolved during trial for \$52 million in cash;
- (c) *In re Remeron Antitrust Litigation*, Case No. 2:02-cv-02007-FSH-PS (D.N.J.) (Co-Lead Counsel), recovered \$75 million for a class of direct purchasers of mirtazapine who were overcharged because Organon USA, Inc. and Akzo Nobel, N.V. engaged in a scheme involving various illegal and deceptive acts to improperly extend Remeron's patent protection and market exclusivity, in violation of §2 of the Sherman Act;

- (d) *Courtney Davis, et al. v. Eastman Kodak Company*, 04-cv-0098; 07-cv-6512 (CJS)(F) (W.D.N.Y.). Co-Lead Counsel in employment discrimination class action brought on behalf of Kodak employees; resolved for \$21.4 million in cash consideration and substantial enhancements in corporate procedures and policies to protect all employees. In its opinion awarding attorneys' fees, the Court commended class counsel, specifically complementing Co-Lead Counsels' efforts "for the outstanding job they did in representing the interests of their clients." The Court went on to state that Co-Lead Counsel's:

legal work in an extraordinarily complex case was exemplary, their tireless commitment to seeking justice for their clients was unparalleled and their conduct as officers of the court was beyond reproach.

2010 U.S. Dist. LEXIS 133751 (at \*35) (N.D.N.Y. 2010).

- (e) *Natchitoches Parish Hospital Service District v. Tyco International, Ltd., et al.* 05-12024 (PBS) (D. Mass.). Lead Counsel for a class of purchasers of sharps containers; settled for \$32.5 million after thirteen (13) days of trial following successful certification of a class, defeating motions to dismiss and summary judgment, extensive fact and expert discovery, and *Daubert* and *in limine* briefing and arguments;
- (f) *In re Buspirone Antitrust Litigation*, MDL Docket No. 1413 (S.D.N.Y.) (Co-Lead Counsel). Case resolved for \$220 million on behalf of a class of direct purchasers of Buspirone after successful pretrial motion practice. *See, e.g., In re Buspirone Antitrust Litigation*, 185 F.Supp. 2d 340 (S.D.N.Y. 2002) (granting summary judgment against Bristol Myers with respect to certain patent infringement claims); *In re Buspirone Antitrust Litigation*, 208 F.R.D. 516 (S.D.N.Y. 2002) (discussing issues of waiver of attorney client privilege with respect to matters placed at issue in the litigation.);
- (g) *In re Tricor Direct Purchaser Antitrust Litigation* (D.Del.), (Co-Lead and Co-Trial Counsel) settled during trial for \$250 million for a class of branded Tricor direct purchasers;
- (h) *In re Relafen Antitrust Litigation*, Master File No. 01-12239-WGY (D. Mass.) (Co-Lead Counsel). Case was resolved on the eve of trial for \$175 million on behalf of a class of direct purchasers of Relafen. District Court certified class of direct purchasers (218 F.R.D. 337 (D. Mass 2003)) and denied defendants' motion for summary judgment.
- (i) *Butler et al. v. Provident Mutual Life Insurance Company*, January Term, 1999, No. 007801 (Court of Common Pleas-Philadelphia County), (Co-Lead Counsel) After expedited efforts led by Garwin Gerstein & Fisher LLP, successfully preliminarily



and permanently enjoined a transaction that would have denied Provident's policyholders any compensation for their ownership interests in Provident as part of a conversion of Provident to a Mutual Holding Company. As a result, Provident successfully sought a partner for a sponsored demutualization (Nationwide Financial Services) which delivered over \$1 billion in compensation to Provident's eligible members.

- (j) *Sanders v. Wang, etc.*, Del. Ch., CA No. 16640, Steele, V.C. (November 8, 1999); (Co-Lead Counsel) The Court of Chancery concluded that a Compensation Committee of the Board "exceeded their authority" under a stock option plan in awarding shares to inside directors/officers in granting judgment on the pleading for plaintiffs on behalf of nominal defendant Computer Associates - settled for the return of over \$250 million in value of common stock for the Company. *See e.g.*, 1999 WL 1044880, 25 Del. J.Corp.L. 1036
- (k) *In re M&F Worldwide Corp. Shareholder Litigation*, Consolidated Civil Action No. 18502, V.C. Strine, (Co-Trial Counsel). After complete discovery and a two-week trial, defendants agreed in 2002 to the complete relief sought by the plaintiffs - rescission of a complex series of transactions valued at over \$130 million;
- (l) *In re Nifedipine Antitrust Litigation*, 03-MC-223 (RJL), MDL No. 1515, (District of Columbia). Co-Lead Counsel on behalf of a class of direct purchasers of nifedipine; case resolved in 2010 for \$35 million in cash consideration after defeating motions to dismiss, obtaining and sustaining a favorable ruling on class certification (246 F.R.D. 365 (D. C. 2007)) and extensive fact and expert discovery;
- (m) *In re Cardizem CD Antitrust Litigation* 200 F.R.D. 326 (E.D. Mich. 2001), (Co-Lead Counsel) Certifying class of direct purchasers of diltiazem. *See also, In re Cardizem CD Antitrust Litigation*, 105 F. Supp.2d 618 (E.D.Mich. 2000) found *Noerr-Pennington* doctrine inapplicable and finding antitrust claim stated under both *per se* rule and rule of reason; granting partial summary judgment for violation of antitrust law. Settled for \$110 million;
- (n) *In re Terazosin Hydrochloride Antitrust Litigation* 99-MDL-1317 (S.D.Fl.) (Co-Lead Counsel), recovered \$75 million for a class of direct purchasers of Terazosin Hydrochloride ("Hytrin") who were overcharged as a result of an illegal agreement between Abbott Laboratories, Zenith Pharms. Inc. (now known as Ivax Pharms., Inc.) and Geneva Pharms. Inc., which improperly delayed competition from generic versions of Hytrin; *see, e.g.*, 335 F.Supp 2d 1336 (S.D. Fla. 2004); 352 F. Supp. 2d 1279 (S.D. Fla. 2005); 344 F.3d 1294 (11<sup>th</sup> Cir. 2003); 164 F. Supp. 1240 (S.D. Fla. 2001);
- (o) *Gutter v. E.I. DuPont de Nemours, et al.*, Case No. 95-2152 (S.D.Fl.), (Lead Counsel), After over seven years of intensive litigation, after complete fact and

expert discovery, this securities case was settled in 2003 for \$77.5 million in cash. *See e.g.*, 124 F.Supp.2d 1291 (S.D.Fl. 2000);

- (p) *In re Cendant Corporation Derivative Action Litigation*, 189 F.R.D. 117 (D.N.J. 1999), 232 F.Supp.2d 327 (D.N.J. 2002), (Lead Counsel), Court found, *inter alia*, demand excused where board implicated in failing to detect alleged financial fraud by management, and Certificate of Incorporation liability exclusion for breach of fiduciary duty did not insulate directors – recovery of \$54 million for Cendant and its shareholders;
- (q) *In re Nuveen Fund Litigation*, 1996 WL 347012, 1996 WL 328001, 1996 WL 328003, 1996 WL 328006, 1994 WL 505293, 1994 WL 505294 (N.D. Ill. 1996), (Lead Counsel), (a case addressing novel issues arising under the Investment Company Act and Minnesota Corporate law); *see also* 555 N.W. 2d 301 (MN App. 1996). – recovery of \$24 million in cash for shareholders of certain Nuveen Funds;
- (r) *In re Northwest Airlines Corp. Antitrust Litigation*, 49 F.Supp.2d 553 (E.D. Mich. 1999), 197 F.Supp.2d 908 (E.D. Mich. 2002), 208 F.R.D. 174 (E.D. Mich. 2002), 310 F.3d 953 (6<sup>th</sup> Cir. 2002), (Lead Counsel), Successfully withstood motion to dismiss a novel antitrust claim lodged against, *inter alia*, Northwest Airlines for “hidden cities” price ticketing practices and then successfully persuaded the district court to certify a class of those impacted by “hidden cities” fares;
- (s) *In re USACafes, L.P. Litigation*, 600 A.2d. 43 (Del. Ch. 1991), (Lead Counsel), a case recognizing - for the first time under Delaware law - a fiduciary duty owed by directors of a Delaware corporate general partnership to its Delaware limited partners;
- (t) *Zapata v. Maldonado*, 430 A.2d 779 (Del.1981), (Lead Counsel), unquestionably one of the most important decisions in stockholder derivative litigation. The Delaware Supreme Court's decision halted a tidal wave of decisions that threatened to eliminate the derivative action as an effective barrier to corporate waste and mismanagement;
- (u) *Michelson v. Duncan*, 407 A.2d 211 (Del. Sup. 1979), (Lead Counsel), a reversal in part of a dismissal of a derivative action predicated upon a shareholder ratification. The Delaware Supreme Court defined and reinstated plaintiff's waste cause of action;
- (v) *Stein v. Orloff*, Del. Ch., CA No. 7276, 11 Del. J. Corp. L. 312, 1985 WL 11561 Hartnett, V.C. (May 30, 1985), (Lead Counsel), finding demand excused where plaintiffs stated a claim for waste of corporate assets by alleging properly “the consideration received by corporation was so inadequate that no person of ordinary sound business judgment would deem it worth what corporation paid.”;

- (w) *Galef v. Alexander*, 615 F.2d 51 (2d Cir. 1980), (Lead Counsel), almost as important a decision as *Maldonado*, wherein Second Circuit reversed and remanded a business judgment dismissal of a derivative action. The Second Circuit's decision strongly intimated that business judgment could not be used to dismiss a well pleaded proxy claim, regardless of state law;
- (x) *Halpern v. Armstrong*, 491 F. Supp. 365 (S.D.N.Y. 1980), (Lead Counsel), an important Section 14(a) decision by Judge Milton Pollack wherein he found material proxy violations and thereby voided a number of transactions undertaken by Revlon, Inc., the corporation in question;
- (y) *Jacobs v. Adams*, 601 F.2d 176 (5th Cir. 1979), (Lead Counsel), an important and total reversal of a district court's holding (1) that a New York executor may not prosecute a derivative action in Florida; and (2) that Florida law requires a plaintiff in a derivative action to make a demand on a corporation's shareholders before instituting suit.

### **FIRM PARTNERS**

**BRUCE E. GERSTEIN** graduated from Bernard M. Baruch College of The City University of New York in 1972 with a Bachelor of Business Administration with a major in public accounting, and is a Certified Public Accountant licensed in the State of New York (inactive). He graduated from Brooklyn Law School with honors in 1977. For the six years prior to joining the firm then known as Garwin & Bronzaft in January 1978, Mr. Gerstein was an investigatory accountant specializing in the area of stockholder's derivative and class actions. Mr. Gerstein is recognized as a leading attorney in complex litigation around the country resolving successfully antitrust, securities and consumer related class actions resulting in hundreds of millions of dollars for class members. Most recently, he was principally responsible for the negotiation of settlements of \$110 million (Cardizem/Andrx), \$220 million (Buspar/Bristol Myers) and \$175 million (Relafen/Glaxo Smith Kline) representing direct purchasers of pharmaceutical products.

He has been named lead counsel in federal and state courts across the United States. He has lectured recently at conferences discussing important cutting edge antitrust issues in Florida and California, appearing most recently at a University of San Francisco symposium as a panelist with Herbert Hovenkamp, a leading authority and author of the seminal treatise on Antitrust law, discussing *inter alia*, issues arising out of the interplay between antitrust law, patent law and the Hatch Waxman Act.

Mr. Gerstein is admitted to practice in all of the Courts of the State of New York and the Court of Appeals for the First, Second, Third, Fifth, Seventh, Ninth and Eleventh Circuits. He is a member of the Association of the Bar of the City of New York and the New York County Lawyers' Association ("NYCLA"), the Federal Bar Council and the Federal Courts Committee of

the NYCLA.

**SCOTT W. FISHER** graduated from Rensselaer Polytechnic Institute in 1971 with a Bachelor of Science degree in Aeronautical Engineering. He received a Master of Arts in Mathematics Education in 1974 from Brooklyn College. Following his graduation from Rensselaer Polytechnic Institute, Mr. Fisher was an educator employed by the New York City Board of Education in a wide variety of pedagogical areas including curriculum development in mathematics.

Mr. Fisher graduated from Brooklyn Law School in 1982. Following his graduation from law school, he joined the firm then known as Garwin, Bronzaft & Gerstein, where he has worked on many major consumer class actions, stockholder class and derivative litigations. Mr. Fisher has been appointed lead or co-lead counsel in various securities litigations. Most recently Mr. Fisher served as co-trial counsel in Delaware Chancery Court in the *M&F Worldwide Corp. Shareholder Litigation*, Del. Ch. Consolidated C.A. No. 18502 NC (V.C. Strine) a case which resulted in a complete victory for M&F shareholders. He also had a prominent role in the pre-trial and trial proceedings of the fen/phen diet drug product liability class action tried before the Hon. Marina Corodemus in New Jersey Superior Court in 1999, which was resolved as part of a global resolution of diet drug cases for in excess of \$4 billion.

Mr. Fisher has lectured recently at a Lorman sponsored conference on issues raised in connection with the settlement of class actions, including the use of mediation to facilitate settlement; and has appeared as a panel member at a New York State Bar Association conference discussing *inter alia*, class action practice from the plaintiff's perspective.

Mr. Fisher is admitted to the Bars of the State of New York and of the United States District Courts for the Southern and Eastern Districts of New York, the District of Arizona, the Eastern District of Michigan, the Courts of Appeal for the Second, Third, Seventh and Eleventh Circuits and the Supreme Court of the United States. Mr. Fisher is also a member of The Association of The Bar of The City of New York, American Trial Lawyers' Association and The New York State Bar Association.

**JOSEPH OPPER** graduated from Tufts University in 1970 with a Bachelor of Arts in Political Science. He graduated from Hofstra University School of Law in 1975. From 1985 to 1996 Mr. Opper was a member of the Antitrust Bureau of the New York State Department of Law and served as the Acting Bureau Chief from 1994-96. Immediately, prior to joining the firm in 2000, he was employed by Milberg Weiss Bershad Hynes & Lerach LLP, where he specialized in Antitrust and Human Rights litigation. From 1975-85 Mr. Opper practiced law at the Legal Aid Society in Brooklyn, New York.

Mr. Opper is a member of the New York Bar and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York; United States Court of Appeals for the Second Circuit and United States Supreme Court.

**ASSOCIATES**

***KIMBERLY HENNINGS*** graduated *cum laude* from the University of Tampa in 2000 with a Bachelor of Science degree in Criminology.

Ms. Hennings graduated cum laude from Brooklyn Law School in 2003, and has been employed by Garwin Gerstein & Fisher since October 2003.

Ms. Hennings is admitted to the Bars of the States of New York and New Jersey.

***ELENA K. CHAN*** graduated *cum laude* from Barnard College of Columbia University in 1997 with a Bachelor of Arts degrees in Political Science and East Asian Languages and Cultures.

Ms. Chan graduated *cum laude* from American University's Washington College of Law in 2004, where she was a Dean's Fellow and Student Attorney in the Glushko-Samuels Intellectual Property Law Clinic. She has been employed by Garwin Gerstein & Fisher since March 2005.

Ms. Chan is admitted to the Bars of the States of New York and New Jersey .

***ANNA L. TYDNIUK*** graduated *cum laude* from Odessa State University of Odessa, Ukraine in 1987 with a Master of Art degree in Linguistics.

Ms. Tydniuk graduated *cum laude* from Brooklyn Law School in 2005, and has been employed by Garwin Gerstein & Fisher since October 2005.

Ms. Tydniuk is admitted to the Bar of the State of New York.

***DAN LITVIN*** graduated from New York University in 2002 with a Bachelor of Science degree in Marketing, being consistently honored on the Dean's List.

Mr. Litvin graduated from Brooklyn Law School in 2006. During this time, Mr. Litvin drafted a number of employment discrimination decisions for an Administrative Law Judge at the Equal Employment Opportunity Commission.

Mr. Litvin has been employed by Garwin Gerstein & Fisher since October 2006.

Mr. Litvin is admitted to the Bar of the State of New York.

***EPHRAIM R. GERSTEIN*** graduated with Honors from the University of Michigan in 1998 with a Bachelor of Arts degree in English.

Mr. Gerstein graduated from The University of Texas School of Law in 2001, where he was a member of the Texas Review of Litigation. From November 2001 until November 2006 Mr.

Gerstein served as a Judge Advocate in the United States Air Force. While in the Air Force, Mr. Gerstein served as government counsel in hundreds of military justice matters, and as Acting Staff Judge Advocate to Air Force Officer Accessions and Training Schools, where he oversaw all military justice and general counsel matters for the largest officer training organization in the Air Force. Mr. Gerstein is a recipient of the Meritorious Service Medal and the Air Force Commendation Medal. Mr. Gerstein has been employed by Garwin Gerstein & Fisher since December 2006.

Mr. Gerstein is admitted to the State Bar of Texas and the Bar of the State of New York.

**JONATHAN M. GERSTEIN** graduated from the University of Michigan in 2002 with a Bachelor of Arts degree in English.

Mr. Gerstein graduated from Brooklyn Law School in the summer of 2007. Mr. Gerstein clerked at Garwin Gerstein & Fisher throughout his time at Brooklyn Law and has been employed by Garwin as an associate since his graduation. Prior to entering law school, Mr. Gerstein worked in an advertising agency in New York City as an Account Executive.

Mr. Gerstein is admitted to the Bar of the State of New York.

#### **OF COUNSEL**

**NOAH H. SILVERMAN** graduated from Grinnell College in 1986 with a Bachelor of Arts degree in Political Science.

Mr. Silverman graduated from Northwestern University School of Law in 1990 and has been with the firm since May 1991.

Mr. Silverman is admitted to the Bar of the State of New York and the United States District Court for the Southern and Eastern Districts of New York. He is a member of the Association of the Bar of the City of New York.

#### **CONTRACT ATTORNEYS**

**STEPHANIE HINES** graduated from Lewis & Clark Law School in 2002, *magna cum laude*. Ms. Hines worked at the Perkins Cole law firm in Portland, Oregon for ten years from 2001 through August 2011 before joining Aubertine Draper Rose (Predecessor firm to Aubertine Law Group) in September 2013. Ms. Hines worked for ALG until May 1 of 2014. Ms. Hines has thirteen years of experience practicing complex commercial litigation.

While at ALG, Ms. Hines worked on several antitrust litigation cases. She was one of direct

purchaser class counsel in *In Re: Prograf Antitrust Litigation*, 1:11-md-02242-RWZ, (D.Mass. 2011), *In Re: Lamictal Direct Purchaser Antitrust Litigation*, 12-995-WHW-MCA (D. NJ 2012), *In Re: Lipitor Antitrust Litigation*, 12-2389 (PGS) (D. NJ 2011), and *In Re: Nexium Antitrust Litigation*, 12-cv-11711 (D. Mass. 2012). Ms. Hines also served as special counsel for the Nevada Attorney General in a merger in 2011.

While at Perkins Cole, she represented clients in a diverse range of disputes, including matters involving business torts, employment disputes, securities, antitrust, consumer protection, fiduciary duties, intellectual property, and international arbitration claims. Her experience covers all aspects of a case, including case investigation and development, discovery management, depositions, motion practice, oversight of trial experts, cross and direct examination of witnesses, and alternative dispute resolution. Ms. Hines also has experience representing companies, Audit Committees, Special Litigation Committees, or other Board Committees, in conducting confidential international investigations of alleged improprieties. Her work in this area includes steering forensic investigation work relating to electronic data, developing the work of experts involved in the investigations, and communicating the results of internal investigations to government agencies conducting their own review.

**LANCE YOUNG** is a 1990 graduate of Michigan State University and received his B.A. with dual concentrations in Finance and Professional Accounting. Following graduation, Mr. Young began law school at Thomas M. Cooley Law School and simultaneously began work on a graduate business degree at the University of Michigan.

Mr. Young received his M.B.A. with dual concentration in Finance and Operations Management and his J.D. (*Cum laude*) in 1994.

Mr. Young is admitted to the State Bar of Michigan; the U.S. District Court for the Eastern District of Michigan and the U.S. Sixth Circuit Court of Appeals.

#### **FORMER PARTNERS AND ASSOCIATES**

**BARRY S. TAUS** graduated Cum Laude from the State University of New York at Albany in 1986 with a Bachelor of Science degree in Accounting.

Mr. Taus joined the firm then known as Garwin, Bronzaft, Gerstein & Fisher in 1988, where he has worked on numerous antitrust and stockholder class action and derivative litigations. He graduated from Brooklyn Law School in 1989 and was employed by Garwin Gerstein & Fisher from August 1989 through June 2009.

Mr. Taus is admitted to the Bars of the State of New York and the United States District

Court for the Southern District of New York. He is also a member of the Association of the Bar of the City of New York and the New York State Bar Association.

**BRETT H CEBULASH** graduated from the University of Virginia in 1984 with a Bachelor of Arts degree in Psychology.

Mr. Cebulash graduated cum laude from Brooklyn Law School in 1993 and was employed by Garwin Gerstein & Fisher from October 1993 through June 2009.

Mr. Cebulash is admitted to the Bar of the State of New York and the State of New Jersey and the United States District Court for the Southern and Eastern Districts of New York. He is a member of the Association of the Bar of the City of New York and the American Bar Association.

**KEVIN S. LANDAU** graduated from Lehigh University in 1993 with a Bachelor of Arts degree in Government, with high honors.

Mr. Landau graduated from Brooklyn Law School in 1996, where he served on the Brooklyn Law Review. Mr. Landau was employed by Garwin Gerstein & Fisher from September 1996 through June 2009.

Mr. Landau is admitted to the Bar of the State of New York and is a member of the New York State Bar Association.

**ADAM STEINFELD** graduated from Brandeis University in 1994 with a Bachelor of Arts degree in Political Science.

Mr. Steinfeld graduated from Brooklyn Law School in 1997, where he served on the Brooklyn Law Review. Mr. Steinfeld was employed by Garwin Gerstein & Fisher from August 1997 through June 2009.

Mr. Steinfeld is admitted to the Bars of the States of New York and Massachusetts.

**STEPHEN H. SCHWARTZ** graduated from Charter Oak College in 1988 with a Bachelors in Business.

Mr. Schwartz graduated from the University of Pennsylvania in 1991. At the University of Pennsylvania, Mr. Schwartz was awarded a Winston Fellowship in Law & Economics, and did his fellowship work in the field of creditors' rights.

Mr. Schwartz is admitted to the Bar of the state of New York Bar and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York. Mr.



Schwartz was employed by Garwin Gerstein & Fisher from July 1998 thru June 2004.

**ARCHANA TAMOSHUNAS** graduated from Williams College in 1995 with a Bachelor of Arts degree in Political Science and Studio Art.

Ms. Tamoshunas graduated from New York University School of Law in 1999, where she was a member of the Moot Court Board. After graduating from law school, Ms. Tamoshunas was employed by the City of New York, representing the City in Family Court. Ms. Tamoshunas was employed by Garwin Gerstein & Fisher from October 2002 through June 2009.

Ms. Tamoshunas is admitted to the Bar of the State of New York, the United States District Courts for the Southern and Eastern Districts of New York, and is a member of the American Bar Association, The New York State Bar Association and the New York County Lawyers' Association.

**ANNE K. FORNECKER** graduated magna cum laude from James Madison University in 1996 with a Bachelor of Arts degree in Sociology.

Ms. Fornecker graduated cum laude from Brooklyn Law School in 2002, where she was a member of Brooklyn Law Review. Ms. Fornecker has been employed by Garwin Gerstein & Fisher from January 2003 through June 2009.

Ms. Fornecker is admitted to the Bar of the State of New York and the United States District Courts for the Southern and Eastern Districts of New York.