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CHITWOOD

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HARLEY

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HARNES LLP

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# Chitwood Harley Harnes LLP

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## ● OUR FIRM

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Chitwood Harley Harnes LLP ("Chitwood Harley Harnes") is one of the nation's leading class action law firms, and the firm is very proud of its many accomplishments. Securities class actions are the cornerstone of the firm's practice. Chitwood Harley Harnes represents individuals, institutional investors (including public pension funds, private mutual funds and union funds), and other victims of securities fraud and corporate mismanagement.

Since its founding, Chitwood Harley Harnes has brought many high profile class actions, recovering billions of dollars on behalf of its clients and requiring corporate defendants to institute strict corporate governance reforms. Recently, the firm served as co-lead counsel in both the BankAmerica securities litigation in the Eastern District of Missouri in which \$490 million was recovered for investors and in the Oxford Health securities litigation in the Southern District of New York which resulted in a \$300 million recovery for investors – when these cases were resolved in 2003 they were the second and fifth largest recoveries, respectively, since the enactment of the Private Securities Litigation Reform Act of 1995 (the "PSLRA"). In addition, Chitwood Harley Harnes has served as lead or co-lead counsel in nine of the ten largest recoveries in securities class actions in the Northern District of Georgia (which includes Atlanta) since the enactment of the PSLRA.

Clients Chitwood Harley Harnes has represented in securities litigation include:

- The Teachers Retirement System of Georgia
- The Employees' Retirement System of Georgia
- The Retirement Systems of Alabama (lead plaintiff in the Providian securities litigation)
- The Kentucky Teachers Retirement System
- Clarion-CRA Securities (which served as lead plaintiff in the JDN securities litigation)
- The Teachers Retirement System of Ohio (lead plaintiff movant in the Enron litigation)
- The Employees Retirement System of Ohio (lead plaintiff movant in the Enron litigation)
- The Washington State Investment Board (lead plaintiff movant in the Enron litigation)
- The Public Employees Retirement System of Mississippi (lead plaintiff movant in the Cardinal Health litigation)
- The DeKalb County Retirement Fund (lead plaintiff in the NDCHealth litigation)

Courts have recognized Chitwood Harley Harnes's high-caliber work and commitment to professionalism in the representation of its clients:

- BankAmerica (\$490 million recovery) - United States District Judge John F. Nangle, sitting by special designation for the Eastern District of Missouri, commented favorably on the firm's performance stating: "Class members were well served by experienced attorneys who, through considerable time and effort, obtained a significant recovery for their clients," and, "[a]s the Court has remarked throughout this litigation, class counsel ... have performed at exceptionally high levels, and all parties have been exceedingly well represented."
- Oxford Health (\$300 million recovery) - United States District Judge Charles L. Brieant for the Southern District of New York stated that the attorneys "working on this case . . . [have] been in my view excellent" and "want[ed] to make note that all of you did a fine job and it is really a pleasure to work with you over half a decade."
- 1996 Medaphis (\$72.5 million recovery; the largest recovery in the Northern District of Georgia) - In approving the settlement, United States District Judge Thomas W. Thrash commended the firm's attorneys "for their competent and professional manner" and found that "lead counsel's skill and diligence achieved an exceptional settlement for the benefit of the class."
- In re Polypropylene Carpet Antitrust Litig. (\$50 million settlement) - This case was also filed in the Northern District of Georgia and Chitwood Harley Harnes served as co-lead counsel. United States District Judge Harold L. Murphy stated that the attorneys' "efforts in this case to date have demonstrated their great skill and ability" and that "the Court's own observations of Plaintiffs' counsel support a determination that Plaintiffs' counsel are highly reputable and responsible attorneys."
- In re JDN Realty Corp. Sec. Litig. (\$47 million recovery) - Chitwood Harley Harnes served as sole lead counsel. United States District Judge Richard W. Story commended Chitwood Harley Harnes by noting that "the quality of what has been submitted to the Court in this case has been excellent, and I appreciate the quality of the work and your hard work in resolving [the case]."
- Stoudt v. E.F. Hutton & Company, Inc. - This is another securities class action in which the firm served as co-lead counsel. A Special Master for the New York federal court found counsel's representation of the plaintiff class to be "exemplary," and that counsel provided superior representation in a particularly complex case.
- In re IXL Enterprises, Inc. Sec. Litig. - This securities class action was filed in the Northern District of Georgia and the firm served as co-lead counsel. United States District Judge Clarence Cooper noted that there were "many obstacles that the class members as well as their counsel had to overcome in order to settle this case" and he commended counsel for the plaintiff on "the outstanding job they did in negotiating this settlement."

These are only a few representative cases in which Chitwood Harley Harnes has achieved successful results on behalf of the firm's clients. Chitwood Harley Harnes maintains a strong work ethic, finding that efficient and thorough work achieves the best results. The firm emphasizes professionalism in its relations with other attorneys and the judiciary and is committed to zealous representation of its clients.

## ● PROFESSIONAL BIOGRAPHIES

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### PARTNERS

#### MARTIN D. CHITWOOD

Martin Chitwood has served as lead or co-lead counsel in more than 40 class actions nationwide and has been instrumental in recovering billions of dollars for investors and other class members. In a lead article in February 2004, the Atlanta Journal/Constitution stated that Mr. Chitwood "is considered *the* plaintiffs' lawyer in the state of Georgia." He has also been recognized as a Georgia "Super Lawyer" by *Law and Politics* each year since the inception of the award.

Recently, Mr. Chitwood served as co-lead counsel in both the *BankAmerica* securities litigation in the Eastern District of Missouri in which \$490 million was recovered for investors and in the *Oxford Health* securities litigation in the Southern District of New York which resulted in a \$300 million recovery for investors – when these cases were resolved in 2003 they were the second and fifth largest recoveries, respectively, since the enactment of the Private Securities Litigation Reform Act of 1995 (the "PSLRA"). Mr. Chitwood has also served as lead trial counsel in approximately 25 jury trials and has written and argued numerous appeals.

Mr. Chitwood has served by appointment as a Special Assistant Attorney General for the state of Georgia to represent Georgia state pension funds in securities class actions and has also served as lead counsel in securities class actions for pension funds of numerous other states. He is one of a select few attorneys who have served as lead counsel for private mutual funds that have been appointed as lead plaintiffs in securities class action litigation. Also, Mr. Chitwood is Vice President, Co-Chair of Securities, and a director of the National Association of Securities and Consumer Law Attorneys (NASCAT) and a director of the Committee to Support the Antitrust Laws (COSAL). He is recognized as a leader in the field of corporate governance reform.

Mr. Chitwood has participated as a panelist in many professional seminars, and he authored "The Effects of the English Common Law on the Development of Commonwealth West African Legal Systems," published by the University of Georgia Press in 1976. Mr. Chitwood is also the author of papers on various aspects of securities and antitrust litigation, including:"

- "The Securities Reform Act of 1995: Its Effects on Litigation and Capital Formation" - published in *Calendar Call*, Vol. II, Winter 1996, No. 4
- "Federal Preemption of State Securities Laws: Uniform Standards or Misguided 'Reform'?" - published in *Calendar Call*, Vol. III, Spring 1998, No.1
- "Litigating the Class Action Lawsuit in Georgia" - published by the National Business Institute in 1998

Additionally, he authored multiple articles published by the Institute for Continuing Legal Education ("ICLE") in Georgia and has presented these articles at ICLE seminars, including:

- "Securities Class Actions: The Plaintiffs' Perspective" - 1997

- "Class Actions and Antitrust Enforcement" - 1998
- "The Private Securities Litigation Reform Act of 1995 - A Synopsis" - 1999
- 2000 and 2001 Updates to the "Private Securities Litigation Reform Act of 1995"
- "Investor Communications During Litigation: Ethical Problems, Procedural Issues and PSLRA Requirements in Communicating with Investors When Litigation Is Pending" - 2001

Mr. Chitwood attended the University of Georgia, where he received his A.B., M.A., and J.D. degrees, the last in 1976. He is admitted to practice before all Georgia state trial and appellate courts, the United States District Courts for the Northern, Middle, and Southern Districts of Georgia, and the Second and Eleventh Circuit Courts of Appeals. He is a member of the Atlanta and American Bar Associations, the State Bar of Georgia, the Federal Bar Association, the Association of Trial Lawyers of America, the Georgia Trial Lawyers Association, and the Lawyers' Club of Atlanta, where he serves on the Rules, Practice, and Judiciary Committee. He is also a Life Fellow of the Lawyers Foundation of Georgia. Mr. Chitwood is a member of the Securities Litigation Committee of the Litigation Section of the ABA and the Antitrust and General Practice and Trial Section of the Georgia Bar.

During the Vietnam Conflict, Mr. Chitwood was assigned to the Fifth Special Forces Group (Abn) and served as the commanding officer of a Special Forces A-Team. He received a Top Secret security clearance with Special Access from the Department of Defense. In addition, Mr. Chitwood was awarded both the Vietnamese Cross of Gallantry with Silver Star and the Vietnamese Cross of Gallantry with Palm by the Government of South Vietnam, and the Air Medal, Bronze Star Medal, Combat Infantryman's Badge, Vietnam Service Medal, Vietnam Campaign Medal, Parachute Badge, and Vietnam Jump Wings by the Department of the Army.

Mr. Chitwood co-produced and wrote the story for "Unconquered," a CBS movie of the week that first aired in January 1989. "Unconquered" was chosen as a Best of Category for 1989 by TV Guide. Mr. Chitwood is a member of the Writers' Guild of America.

### **JOHN F. HARNES**

Mr. Harnes is a graduate of Harvard University and Brooklyn Law School. He was admitted to the Bar in 1982. Since his admission, Mr. Harnes has specialized almost exclusively in securities and corporate litigation. From 1986 to 1991 Mr. Harnes was a litigation associate in the New York offices of Skadden Arps Slate Meagher & Flom. Mr. Harnes has participated in numerous trials involving corporate and securities matters, and he has argued on numerous occasions before appellate courts, including the Supreme Court of Delaware, the New York Court of Appeals, and the First and Second Circuits. Mr. Harnes is admitted to practice in the courts of New York, the First, Second and Seventh Circuit Courts of Appeals, Federal District Courts in New York and in other Districts around the country, including Arizona and Wisconsin. Mr. Harnes has also been admitted to practice *pro hac vice* in specific cases in federal and state courts throughout the country, including Connecticut, Delaware, California, Colorado, Georgia, Hawaii, Indiana, Maryland, Massachusetts, New Jersey, Pennsylvania, Texas and Virginia.

## **GREGORY E. KELLER**

Mr. Keller graduated summa cum laude from Yale University in 1979, and cum laude from Harvard Law School in 1982. He clerked for the Honorable Morey L. Sear, United States District Judge for the Eastern District of Louisiana, from 1982 to 1983. Mr. Keller was admitted to the Bar of the State of Washington in 1983, and, until 1994, was a partner in the Seattle law firm of Hillis Clark Martin & Peterson, where he tried a number of complex jury trials to successful verdicts.

Mr. Keller began to concentrate almost exclusively on corporate and securities litigation after joining Silverman, Harnes, Harnes, Prussin & Keller in New York in 1995, and has continued to practice exclusively in derivative, corporate governance and securities litigation after forming Harnes Keller LLP with John F. Harnes in 1999. Mr. Keller is admitted to practice in the state courts of New York and Washington State, the United States Courts of Appeal for the Third and Ninth Circuits, and in the United States District Courts for the Southern and Eastern Districts of New York, the Western and Eastern Districts of Washington, and the District of Arizona. He has also been admitted to practice *pro hac vice* in specific cases in federal and state courts throughout the country, including Delaware, California, Colorado, Georgia, Kansas, Michigan, New Jersey, Pennsylvania, Nevada, Texas, and Virginia.

## **ROBERT W. KILLORIN**

Mr. Killorin is a native of Atlanta. He received his A.B. degree, *cum laude*, from the Duke University in 1980. He received his J.D. from the University of Georgia in 1983 where he participated in the Prosecutorial Clinic and was a member of the ABA national moot court team and the national mock trial team. Mr. Killorin has served as lead or co-lead counsel in numerous trials, appeals, contested hearings, arbitrations, mediations and other matters. He is a member of the State Bar of Georgia, the American and Atlanta Bar Associations, and the Georgia Trial Lawyers Association. Mr. Killorin is admitted to practice in all state trial and appellate courts, the United States District Court for the Northern District of Georgia, the Eleventh Circuit Court of Appeals and the U.S. Supreme Court. Mr. Killorin has handled a broad range of civil litigation, including business and securities litigation, asbestos defense, federal admiralty claims, and international treaty law. His practice now focuses on class, derivative, multi-plaintiff, and other complex litigation.

Mr. Killorin has served on the Consumer Rights Committee of the State Bar of Georgia and was a speaker at the Georgia Trial Lawyers Association Evidence seminar on October 6, 2000. He is the author of "Preparing Clients to Testify," a chapter in Civil Trial Practice – Winning Techniques of Successful Trial Attorneys.

Mr. Killorin is also a member of the Eleventh Circuit Historical Society, the President's Club of the University of Georgia, the Military Order of the Carabao, the National Association of Underwater Instructors and the Explorers Club. He volunteered for ten years as a mock trial instructor in the State Bar of Georgia High School Mock Trial program at the Lorenzo Binn

Youth Development Center.

**CRAIG G. HARLEY**

Mr. Harley has served as lead or co-lead counsel in numerous trials, appeals, arbitrations, mediations and other contested matters in state and federal courts in Georgia and elsewhere. He has had leadership roles in some of the most significant antitrust class actions filed in recent years, including those involving the bulk vitamins, polypropylene and nylon carpet, motorsports merchandise, carbon fiber, and food flavorings industries, and he presently serves as lead counsel in several major securities fraud class actions pending against large Atlanta corporations. He is proud to have assisted various courts and other entities with making *cy pres* distributions of unclaimed settlement benefits in several matters, including working with the Georgia Attorney General to distribute thousands of compact discs to Georgia's public library systems.

Mr. Harley has presented materials at numerous class action and antitrust seminars. For instance, he chaired the Georgia Trial Lawyers Association's Evidence seminar on October 6, 2000. On November 30, 2000, Mr. Harley made a presentation regarding "International Cartels and Private Litigation" for the State Bar of Georgia's Antitrust Section, and in November 2002, he spoke at its seminar on the relationship between criminal investigations and civil litigation. In May of 2005, Mr. Harley spoke about the new "Class Action Fairness Act" at a seminar sponsored by Georgia's Institute for Continuing Legal Education.

Mr. Harley grew up in Atlanta, Georgia, where he attended The Trinity and Westminster Schools. He received his B.A. degree from Duke University (1980) and his M.B.A. (1983) and J.D. (1986) degrees from Georgia State University. He is a member of the State Bar of Georgia, the Federal, American, and Atlanta Bar Associations; the Georgia Trial Lawyers Association, the Lawyers' Club of Atlanta, and the Lawyers Foundation of Georgia, of which he is also a Life Fellow. Mr. Harley is admitted to practice in all Georgia state trial and appellate courts, the United States District Court for the Northern District of Georgia, and the Eleventh Circuit Court of Appeals, and various other courts *pro hac vice*. His practice focuses on class, derivative, multi-plaintiff, and other complex litigation.

**DARREN T. KAPLAN**

Mr. Kaplan received his B.A. degree in political science from Syracuse University's Maxwell School of Citizenship in 1988 and his J.D. from Hofstra University School of Law in 1991. He was admitted to the Connecticut Bar in 1991 and the New York Bar in 1992. Mr. Kaplan is admitted to practice in New York and Connecticut, in every federal district court in New York, the U.S. Court of Federal Claims, the U.S. Court of International Trade, the Second, Third and Federal Circuit Courts of Appeals, and the Supreme Court of the United States.

Mr. Kaplan joined the firm as a partner in April 2005. He was formally a partner at Harnes Keller LLP in New York, New York where he litigated a number of derivative and class actions in the areas of corporate governance, shareholder rights and securities fraud. Prior to joining Harnes Keller, Mr. Kaplan was a partner in the New York law firms of Brand, Cayea &

Brand LLC and Gallet Dreyer & Berkey, LLP, where his diverse practice encompassed almost every sphere of complex litigation from aviation disaster to representing defense contractors in the U.S. Court of Federal Claims.

In addition to representing shareholders in derivative and class action litigation, Mr. Kaplan specializes in representing consumers in class actions in the personal and information technology fields. He was co-lead counsel in *Ades v. Microsoft Corp.*, 2001 N.Y. Misc. LEXIS 780 (Sup. Ct., Kings County, Sept. 20, 2001), representing a nationwide class of purchasers of Microsoft computer mice. He is currently co-lead counsel in *Epson Ink Cartridge Cases* (Superior Ct. of California, Los Angeles County), representing a certified nationwide class of purchasers of Epson printer ink cartridges.

Mr. Kaplan has substantial trial experience and has argued appeals in the First and Second Departments of the New York Appellate Division and the Second Circuit Court of Appeals. He has been admitted to practice *pro hac vice* in the state and federal courts of Delaware, California, Maryland, Massachusetts and Kansas. His reported decisions include: *S.E.C. v. Berger*, 322 F.3d 187, Fed. Sec. L. Rep. P 92,288, (2nd Cir.(N.Y.), Feb 27, 2003); *Ardmore Management Co., Inc. v. 474 Fulton Leasing Corp.*, 277 A.D.2d 85, 717 N.Y.S.2d 25 (N.Y.A.D. 1 Dept., Nov 16, 2000); *30 East 65th Street Corp. v. Richardson & Lucas, Inc.*, 259 A.D.2d 301, 686 N.Y.S.2d 412 (N.Y.A.D. 1 Dept., Mar 09, 1999); *Parra v. Ardmore Management Co., Inc.*, 258 A.D.2d 267, 685 N.Y.S.2d 36 (N.Y.A.D. 1 Dept., Feb 02, 1999); *Skylon Corp. v. Greenberg*, 164 F.3d 619 (2nd Cir.(N.Y.), Aug 21, 1998); *Lotus Exim Intern., Inc. v. Pacific Employers Ins. Co.*, 244 A.D.2d 189, 665 N.Y.S.2d 274 (N.Y.A.D. 1 Dept., Nov 13, 1997); *Sanders v. Manufacturers Hanover Trust Co.*, 229 A.D.2d 544, 644 N.Y.S.2d 1017 ( N.Y.A.D. 2 Dept., Jul 22, 1996); *Congregation Yetev Lev D'Satmar, Inc. v. 26 Adar N.B. Corp.*, 219 A.D.2d 186, 641 N.Y.S.2d 680 (N.Y.A.D. 2 Dept., Apr 22, 1996); *National Credit Union Admin. Bd. v. Concord Limousine, Inc.*, 872 F.Supp. 1174 (E.D.N.Y., Jan 09, 1995); and *National Credit Union Admin. Bd. v. Raphael*, 871 F.Supp. 1574 (E.D.N.Y., Dec 27, 1994). Mr. Kaplan is a member of the American Trial Lawyers Association, the American Bar Association and the New York County Lawyers' Association.

### **NIKOLE M. DAVENPORT**

Ms. Davenport has served as lead counsel in various complex cases. Her work includes new case investigation and analysis, as well as daily case management and strategy for prosecuting securities and antitrust class actions. In addition, Ms. Davenport is the director of client relations for the firm.

Ms. Davenport takes an active role in protecting the interests of institutional investor clients. She is a member of the National Association of Public Pension Attorneys, the Counsel of Institutional Investors, and is corporate affiliate of the National Association of State Treasurers. Ms. Davenport also attends a number of conferences each year that address issues relating to public and private pension funds and regularly lectures to pension board members and trustees.

Over the past five years, Ms. Davenport co-authored three chapters in Litigating the Class

Action Lawsuit in Georgia and has served as a presenter at class action continuing legal education seminars. In January 2002, Ms. Davenport served as a panelist at the American Bar Association's International Cartel Symposium in New York, New York. Ms. Davenport recently led the firms litigation team against *Cryolife, Inc.*, which resulted in a \$23.25 million recovery for class members.

Ms. Davenport received her B.A. and J.D. degrees from Temple University in 1990 and 1994, respectively. She received an Outstanding Oral Advocacy Award while at Temple University School of Law. Ms. Davenport has been admitted to the state bars of Georgia, Pennsylvania and New Jersey, the U.S. District Courts for the Northern District of Georgia, the Eastern District of Pennsylvania, and the District of New Jersey, as well as the Eleventh Circuit Court of Appeals.

### **JAMES M. WILSON, JR.**

James "Josh" Wilson received his B.A. from Georgia State University in 1988, his J.D. from the University of Georgia in 1991, and his LL.M. in Tax Law from New York University in 1992. While obtaining his law degree, Mr. Wilson was an editor for the Georgia Journal of International and Comparative Law, and studied and worked abroad in Brussels, Belgium and Munich, Germany.

Formerly Mr. Wilson was associated with Reed Smith, LLP in New York City, where he focused on complex business litigation and securities arbitration before the New York Stock Exchange and the National Association of Securities Dealers. Prior to that, Mr. Wilson worked at a small boutique that concentrated on environmental and maritime litigation and compliance matters. Mr. Wilson has participated in numerous jury and bench trials in federal and state court. His practice at Chitwood Harley Harnes focuses on securities class actions and other complex litigation in federal and state courts.

Mr. Wilson is admitted to practice law in the States of Georgia and New York, before the United States District Courts for the Middle and Northern Districts of Georgia, and before the Southern and Eastern Districts of New York. Mr. Wilson also is a member of the Atlanta Bar Association, the New York State Bar Association, and the New York County Lawyers Association.

Mr. Wilson is a contributing writer and editor for Lexis-Nexis/Matthew Bender.

### **DAVID A. BAIN**

Mr. Bain's practice is devoted to corporate securities and other complex litigation. He has prosecuted claims against a number of Big Four accounting firms and Fortune 500 companies that resulted in the recovery of tens of millions of dollars. He is admitted to practice before all Georgia State trial and appellate courts, the United States District Court for the Northern and Middle District of Georgia, and the Eleventh Circuit Court of Appeals. Mr. Bain has served as a lecturer at seminars on both securities and class action law. Mr. Bain has assisted state officials

in preparing to testify before Congress concerning securities legislation.

Mr. Bain received his A.B. degree, *magna cum laude*, from the University of Georgia in 1994, where he was a Woodruff Scholar and was named to Phi Beta Kappa and Phi Kappa Phi. He received his J.D. with honors from the University of North Carolina at Chapel Hill in 1997, where he was a Chancellors Scholar and a member of the Holderness Moot Court Negotiations Team. While in law school, Mr. Bain held research assistant positions at both the North Carolina Supreme Court and the Kenan-Flagler School of Business.

He is the co-author of "Settlement Strategies in Georgia Class Actions," a chapter in Litigating the Class Action Lawsuit in Georgia. (NBI), as well as "Shifting Sands in the Desert of Corporate Disclosure: Recent Developments in Litigation Under the PSLRA in the Wake of Enron and Other Corporate Disasters," published in Securities Litigation and Regulatory Practice (ICLE). Mr. Bain is active in the National Association of Securities and Consumer Law Attorneys and the Federal Bar Association.

### **KRISSI T. GORE**

Ms. Gore is a native of Atlanta where she attended the Lovett School before she was graduated from Phillips Academy in Andover, Massachusetts. Ms. Gore received her B.A. degree, *cum laude* with a double major, from Wellesley College in 1994. During her college career, she participated in a one-year academic program at Dartmouth College and was a member of the Wellesley and Dartmouth cross country teams. She attended the Ukrainian Institute at Harvard University in 1990 and the Kiev-Mohyla Academia in Ukraine in 1993.

Ms. Gore earned her J.D. degree in May 1999, from the University of Georgia. She is admitted to practice before all Georgia state trial and appellate courts and the U.S. District Court for the Northern District of Georgia and the Eleventh Circuit Court of Appeals. Her practice is devoted to corporate securities and consumer class actions.

### **OF COUNSEL**

### **JOAN T. HARNES**

Mrs. Harnes is a graduate of Bryn Mawr College and Fordham Law School, where she was a member of the Law Review. She was admitted to the bar in 1955. After graduation, Mrs. Harnes was in private practice, where she was engaged in a large number of trials. Mrs. Harnes was one of the first women to be appointed an Assistant United States Attorney, and served in the Criminal Division in the Eastern District of New York. In 1970, Mrs. Harnes helped form the firm Silverman & Harnes, and thereafter, has specialized in the litigation of cases involving securities violations and matters of corporate governance. She has lectured at the Yale School of Organization and Management on such matters. Mrs. Harnes has actively participated in many trials and has also written numerous briefs and argued appeals in cases involving securities and corporate governance issues. Mrs. Harnes has been admitted to practice in the state courts of New York, the United States Supreme Court, the Second Circuit Court of Appeals, and in the

United States District Court for the Southern and Eastern Districts of New York. She has also been admitted and argued pro hac vice before many courts, including the Supreme Court of Delaware.

### **ROBERT S. KAHN**

Robert S. "Bobby" Kahn advises the firm on institutional and government relations. A native of Savannah, Mr. Kahn graduated from Emory University and received his law degree from the University of Georgia.

Mr. Kahn serves as the elected chairman of the Georgia Democratic Party. He also served as Chief of Staff for Georgia Governor Roy Barnes from 1999 to 2003. As Chief of Staff, Mr. Kahn managed the Governor's office and oversaw all state departments and agencies. He was instrumental in securing passage of the Governor's legislative priorities, including smaller class sizes and greater accountability in public schools, raising teachers' pay to the national average for the first time ever, cutting property taxes, preserving green space and protecting Georgia's quality of life, and improving transportation.

Mr. Kahn is also General Counsel for LUC Media, a firm he started in 1993. LUC Media specializes in purchasing advertising time for political candidates. He represents candidates around the nation in pursuing refunds from television stations that overcharge for campaign advertising time. He is widely recognized as a national expert in this innovative legal field.

### **SARA J. BIDEN**

A native of Kentucky, Ms. Biden received her J.D. degree from Duke University School of Law in 1987. At Duke, Ms. Biden was an editor of the Alaska Law Review. After four years of practice as an associate of a major District of Columbia law firm concentrating in complex litigation, Ms. Biden was asked by Senator Wendell Ford of Kentucky to serve as General Counsel to the U.S. Joint Committee on Printing from 1991-1995.

In 1995, Ms. Biden married Jim Biden, brother of Senator Joe Biden of Delaware, and resumed private practice with a regional litigation firm in Pennsylvania. In 1997, Ms. Biden joined Barrack, Rodos & Bacine, a securities litigation firm in Philadelphia, where she co-founded the firm's institutional development and claims monitoring program, one of the first of its kind. While at Barrack Rodos, Ms. Biden served as counsel in a number of successful securities class actions, including In re Sunbeam Sec. Litig., representing the Communication Workers of America/International Typographical Worker Negotiated Pension Fund as a lead plaintiff; In re Samsonite Sec. Litig., representing the Florida State Board of Administration as lead plaintiff; In re Stanley, et al. v. Safeskin Corporation, et al., representing the Chicago Teachers' Pension and Retirement Fund as a lead plaintiff; and recently settled In re Daimler Chrysler AG Sec. Litig., representing the Denver Employees Retirement System, the Chicago Police Pension Fund and the Chicago Municipal Employee's Retirement System, among many others.

## **ASSOCIATES**

### **JILL A. LEVENSON**

Ms. Levenson received a B.A. degree from Duke University in 1987 and a J.D. from Emory University School of Law in 1990, where she served as an editor of The Emory International Law Journal. Her article "Bank Secrecy A Barrier to the Prosecution of Insider Trading" was published at 4 Emory Int'l L. Rev. 185 (1990). While in law school, she was a summer intern in the securities fraud unit of the U.S. Attorney's Office for the Southern District of New York.

Following law school, Ms. Levenson assisted with the Federal Bureau of Investigation VANPAC Task Force in the prosecution of Walter Leroy Moody. Later she was an attorney in the enforcement division of the United States Securities and Exchange Commission in the Atlanta District Office, where she served for more than eleven years. While at the SEC, she was designated a Special Assistant United States Attorney to prosecute a penny stock fraud case, First Alliance Securities. She was also nominated for the Chairman's Award of Excellence in connection with her work on a broker-dealer case.

Ms. Levenson is admitted to practice before the Georgia state trial and appellate courts, the U.S. District Court for the Northern District of Georgia, and New York and Connecticut state courts.

### **MERYL W. EDELSTEIN**

Ms. Edelstein received her B.S. degree, cum laude, with a double major in accounting and finance from the University of Florida in 1996. Ms. Edelstein received her J.D. degree from Boston University School of Law in 1999, where she received the Edward F. Hennessey award for academic achievement. While attending law school, Ms. Edelstein completed an internship program with the United States Securities and Exchange Commission. She completed her final semester of law school at Oxford University in Oxford, England, where she studied international and comparative law. After law school, Ms. Edelstein worked as an attorney for the United States Court of Appeals for the Eleventh Circuit. Ms. Edelstein's practice is devoted to corporate securities and other complex class litigation.

### **YESHIMEBET M. A. ABEBE**

Yeshimebet ("Yeshi") Abebe earned her Juris Doctor from the University of Miami School of Law in 2002. While at the University of Miami, she served as Articles and Comments Editor of the University of Miami International and Comparative Law Review, was a member of the International Moot Court Board and served as the Center for Ethics & Public Service David P. Catsman Fellow. Ms. Abebe also served as Vice President of the Honor Council and Treasurer of BLSA, was tapped into the Society of Bar and Gavel, and a James Weldon Johnson Fellow. She earned her M.A. degree in International Law and the Settlement of Disputes from the United Nations Mandated University for Peace in Costa Rica and a Certificated in International

Humanitarian Law from the International Committee of the Red Cross. She also completed a summer study abroad program at the University College of London.

Ms. Abebe received her B.S. degree in Urban Regional Studies with a concentration in Africana Studies from Cornell University. She also studied in Italy at the Cornell College of Architecture, Art and Planning program.

Following law school, Ms. Abebe served a legal assistantship to the Honorable Gudmundur Eiriksson of the International Tribunal for the Law of the Sea, was counsel for a non-profit organization and a consultant for an Iowa congressional campaign.

### **MICHAEL R. PEACOCK**

Mr. Peacock graduated with honors from Emory University School of Law in May 2004. While at Emory, he received a number of awards for various academic achievements, including the James T. Colson Scholarship. Mr. Peacock also served as President of Emory Gay & Lesbian Advocates. Mr. Peacock received his undergraduate degree in International Relations from Boston University, from which he graduated *magna cum laude* in May 2001. Mr. Peacock's practice is devoted to corporate securities and other complex class litigation.

### **MARY KATHRYN "KATIE" KING**

Mary Kathryn "Katie" King graduated from Emory University School of Law in May 2005. While at Emory, she worked as a student attorney for the Turner Environmental Law Clinic and held leadership positions in several public interest organizations. Ms. King received her undergraduate degree in English and Studio Art from Duke University in December 1998. After completing college, Ms. King joined the Peace Corps as a health volunteer in Gabon, Central Africa, where she developed and initiated HIV/AIDS education programs in local schools and taught maternal and child health in remote villages. Before moving to Atlanta, Ms. King studied horticulture and landscape design in the graduate program at North Carolina State University. Ms. King is a native of Winston-Salem, North Carolina.

## **FORENSIC ACCOUNTANTS**

### **LANCE BURY**

Lance Bury is a member of Chitwood Harley Harnes' forensic accounting team. Mr. Bury graduated from Kean University with a Bachelor of Science degree in Business Administration, where he was selected to Who's Who Among Students in American Colleges and Universities. After graduating from college, Mr. Bury worked for the IRS as a corporate field auditor, and subsequently worked for both Coopers & Lybrand and Price Waterhouse (pre-merger).

Mr. Bury graduated from the University of California law school in 1987, where he was selected to the Who's Who Among American Law Students. After working as a litigator in California for six years, he worked for two investment banking firms in Atlanta where he was responsible for conducting and overseeing due diligence of public companies.

Prior to joining Chitwood Harley Harnes LLP, Mr. Bury was a consultant on various projects, including serving as a project manager on several Sarbanes-Oxley §404 engagements, as a litigation management consultant on several litigation matters, and as a forensic accountant performing a comprehensive charity audit that uncovered mail fraud, tax fraud, insurance fraud, and embezzlement.

### **MAHESH V. PATEL**

Mahesh Patel is a member of Chitwood Harley Harnes's forensic accounting team. Mr. Patel graduated from Gujarat University in India in 1982 with a Bachelor of Commerce degree and then spent the next three years participating in a Chartered Accountants Apprenticeship in India. During this time Mr. Patel audited banks, financial institutions and corporations. Upon completion of the program, Mr. Patel pursued a career as a stock broker on the international markets. After relocating to the United States, Mr. Patel, has focused on investments and the stock market.

### **JOYCE S. WELCH**

Ms. Welch is the firm's Controller and monitors the settlement fund administration process from inception through distribution to the class members. A native of Texas, Ms. Welch received a B.B.A. in Marketing and Accounting from the University of Texas, Austin. Before joining Chitwood Harley Harnes, Ms. Welch worked as a business consultant, providing accounting, management and financial services to small to mid-sized businesses. In addition, Ms. Welch has numerous years of experience in law firm administration, business ownership and management and uses her accounting and financial experience to assist other members of the firm's accounting team.

● **LEADERSHIP POSITIONS**

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Chitwood Harley Harnes LLP has had leadership positions in numerous corporate securities, antitrust, and consumer class action matters. The following list includes some of the recent cases in which the firm has been appointed Lead or Co-Lead Counsel:

**PENDING SECURITIES ACTIONS**

In re Airgate PCS, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:02-cv-1291-JOF. (The firm serves as Co-Lead Counsel in this class action based upon securities fraud).

In re Atherogenics Sec. Litig., United States District Court for the Southern District of New York, Civil Action No. 05 Civ. 00061 (RJH). (The firm serves as Co-Lead Counsel in this class action based upon securities fraud).

In re BellSouth Corp. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:02-cv-2142-WSD. (The firm serves as Co-Lead Counsel in this class action based upon securities fraud).

Amalgamated Bank et al., v. The Coca-Cola Co., et al., United States District Court for the Northern District of Georgia, Civil Action No. 1:05-CV-1226-RWS. (The firm serves as Co-Lead Counsel in this class action based on securities fraud.)

Carpenters Health & Welfare Fund v. The Coca-Cola Co., et al., United States District Court for the Northern District of Georgia, Civil Action No. 1:00-CV-2838-WBH. (The firm serves as Co-Lead Counsel in this class action based on securities fraud.)

In re ChoicePoint, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:05-CV-686-JTC. (The firm serves as Co-Lead Counsel in this class action based on securities fraud.)

Bruce Simons, et al., v. Dynacq Healthcare Inc. et al., United States District Court for the Southern District of Texas, Civil Action No. H-03-05825. (The firm serves as Co-Lead Counsel in this class action based on securities fraud.)

In re First Horizon Pharmaceutical Corp. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:02-CV-2332-JOF. (The firm serves as Lead Counsel in this class action based on securities fraud.)

In re Friedman's Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:03-CV-3475-WSD. (The firm serves as Co-Lead Counsel in this class action based on securities fraud.)

In re Mirant Corporation Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:02-CV-1467-BBM (The firm serves as Co-Lead Counsel in this class action based upon securities fraud).

Robert Garfield v. NDCHealth Corp., et al., United States District Court of the Northern District of Georgia, Civil Action No. 1:04-CV-00970-WSD. (The firm serves as Lead Counsel in this class action based on securities fraud.)

In re Scientific-Atlanta, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:01-CV-1950-RWS. (Class action based upon securities fraud).

In re TYCO International, Ltd., Multidistrict Litigation Panel, MDL 1335. (The firm serves as Co-Lead Counsel in this class action based upon securities fraud).

### **SUCCESSFULLY RESOLVED SECURITIES ACTIONS**

In re AFC Enterprises, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:03-CV-0817. (The firm served as Co-Lead counsel in this class action based upon securities fraud). [\$15 million cash recovery plus a potential additional \$11.5 million which provides an immediate recovery to the Class and Sub-class).

Altman v. IQ Software Corp., United States District Court for the Northern District of Georgia, Civil Action No. 1:97-CV-3203. (The firm served as Co-Lead Counsel in this class action based upon securities fraud).

Arnold v. Shearson Lehman Hutton Co., Inc., United States District Court for the Southern District of New York, Civil Action No. 87 Civ. 4524 (WK) (KAR). (The firm served as Co-Lead Counsel in this securities fraud action arising from a limited partnership offering). [\$20 million cash recovery]

In re BankAmerica Corp. Sec. Litig., United States District Court for the Eastern District of Missouri, MDL No. 1264. (The firm served as Co-Lead Counsel in this class action based upon securities fraud; a significant settlement is proposed to the court). [\$490 million cash recovery].

Carley Capital Group, et al. v. Deloitte & Touche LLP, United States District Court for the Northern District of Georgia, Civil Action No. 1:97-CV-3183-TWT. (The firm served as Co-Lead Counsel in this class action based upon securities fraud by an auditor). [\$24 million cash recovery]

In re Cryolife Inc. Sec. Litig., United States District Court of the Northern District of Georgia, Civil Action No. 1:02-CV-1868-BBM. (The firm served as Co-Lead Counsel in this class action based upon securities fraud).

Demint v. NationsBank of Florida, N.A., United States District Court for the Middle District of Florida, Case No. 94-995-CIV-T-23E. (The firm served as Co-Lead Counsel in action based upon sale of securities by bank affiliate). [\$30 million settlement]

Hanson v. NationsBanc Securities, Inc., Sixth Judicial Circuit of Florida, for Pinellas County, Case No. 95-1202-CI-8. (The firm served as Co-Lead Counsel in this action based upon sale of securities by bank affiliate).

In re Healthtronics Surgical Services, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:03-CV-2800-CC. (The firm served as Co-Lead Counsel in this class action based upon securities fraud).

In re Housecall Medical Resources Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:96-CV-2214-JEC. (The firm has served as Co-Lead Counsel in this class action based upon securities fraud). United States District Court approved [\$4 million]

In re Intercept, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:03-CV-00567-ODE. (The firm served as Co-Lead Counsel in this class action based upon securities fraud).

In re iXL Enterprises, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:00-CV-2347-CC (The firm served as Co-Lead Counsel in this class action based upon securities fraud).

In re JDN Realty Corporation Sec. Litig., United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action No. 1-00-CV-0396-RWS (The firm served as Lead Counsel in this class action based on securities fraud). . [\$41.8 million settlement.]

Lewis v. Advanced Technical Products, Inc., et al., United States District Court for the Northern District of Georgia, Civil Action No. 1:00-CV-1702-WBH (The firm served as Co-Lead Counsel in this class action based upon securities fraud).

McNerney, et al. v. Carvel Corporation, et al., Superior Court, Judicial District of Hartford/New Britain at Hartford, Docket No. CV 98 0579244 S. (The firm served as Co-Lead Counsel in this class action based upon securities fraud). [\$5 million cash recovery]

In re Medaphis Corp. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:95-CV-2973-GET. (The firm served as Co-Lead Counsel in this class action based upon securities fraud). [\$3.5 million settlement]

In re 1996 Medaphis Corp. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:96-CV-2088-TWT. (The firm served as Co-Lead Counsel in this class action based upon securities fraud). [\$72.5 million cash and securities recovery]

Mitchell Partners, L.P., et al. v. Janis Risbergs, et al., United States District Court for the Northern District of Georgia, Civil Action No. 1:96-CV-0735-MHS. (The firm served as Co-Lead Counsel in this shareholder derivative action).

In re Oxford Health Plans, Inc. Sec. Litig., United States District Court for the Southern District of New York, MDL Dkt. No. 1222 (CLB). (The firm served as Co-Lead Counsel in this class action based on securities fraud).

In re Premiere Technologies, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Consolidated Civil Action No. 1:98-CV-1804-JOF. (The firm served as Co-Lead Counsel in this class action based upon securities fraud). [\$20.75 million cash recovery]

In re Profit Recovery Group, International, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:00-CV-1416-CC (The firm served as Co-Lead Counsel in this class action based upon securities fraud).

In re Providian Financial Corp. Sec. Litig., United States District Court for the Northern District of California, San Francisco Division, Master File No. C-01-3952-CRB. (The firm served as Lead Counsel in this class action based on securities fraud).

In re Retirement Care Associates, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:97-CV-2458-CC. (The firm served as Co-Lead Counsel in this class action based upon securities fraud). [\$10 million+ cash recovery]

Silber v. A.D.A.M. Software, et al., Superior Court of Fulton County, State of Georgia, Civil Action No. E-47703. (The firm served as Co-Lead Counsel in this class action based upon securities fraud).

Sturm v. Marriott Marquis Corp., et al., United States District Court for the Northern District of Georgia, Civil Action No. 1:97-CV-3706-TWT. (The firm served as Co-Lead Counsel in this class action arising out of a proposed merger of a limited partnership). The United States District Court approved \$4.25 million cash recovery.

In re Theragenics Corp. Sec. Litig., United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action No. 1:99-CV-0141-TWT. (The firm served as Co-Lead Counsel in this class action based upon securities fraud).

Upton v. McKerrow, (in the matter of Longhorn Steaks, Inc.), United States District Court for the Northern District of Georgia, Civil Action No. 1:94-CV-03530-MHS. (The firm served as Co-Lead Counsel in this class action based upon securities fraud). [\$3 million cash recovery]

In re U.S. Franchise Systems, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:00-CV-1244-RLV (The firm served as Co-Lead Counsel in this class action based upon securities fraud). [\$3.75 million cash recovery]

Varljen, et al. v. H.J. Meyers, Inc., et al., United States District Court for the Southern District of New York, Civil Action No. 97Civ.6742(DLC). (The firm served as Co-Lead Counsel in this class action based upon securities fraud). [\$3.75 million cash recovery]

In re ValuJet, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:96-CV-1355-TWT. (The firm served as Co-Lead Counsel in this class action based upon securities fraud). [\$2.5 million cash recovery and \$2.5 million securities recovery]

In re WestPoint Stevens, Inc. Sec. Litig., United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action No. 1:01-CV-2673-CC. (The firm served as Co-lead Counsel in this class action based on securities fraud).

### **PENDING ANTITRUST & CONSUMER ACTIONS**

Columbus Drywall & Insulation, Inc., et al. v. MASCO Corporation, et al., United States District Court for the Northern District of Georgia, Civil Action No. 1:04-CV-3066-JEC. (The firm serves as Co-Lead Counsel in this antitrust class action).

In re Vitamins Antitrust Litig., United States District Court for the District of Columbia, Civil Action No. 99-0197. (The firm serves on the Steering Committee in this antitrust class action).

### **SUCCESSFULLY RESOLVED ANTITRUST & CONSUMER ACTIONS**

Bradford and Ling, et. al. v. Bed Bath & Beyond Inc., United States District Court for the Northern District of Georgia, Atlanta Division, Case No. 1:98-CV-2556-RWS. The firm has served as Co-Lead Counsel in a collective action based upon wage and hour abuses. Chitwood Harley Harnes LLP successfully defended Defendant Bed Bath & Beyond's Motion to Decertify the Putative class following discovery. This is the only published order by a court wherein Plaintiffs survived a Motion to Decertify in a FLSA overtime case. (Consumer class action)

In re Cigarette Antitrust Litig., United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action No. 1:00-CV-447-JOF, Multidistrict Litigation Docket No. 1342 (The firm serves as Lead Counsel in this antitrust class action).

In re The Coca Cola Company Apple Juice Consumer Litig., Superior Court of Fulton County, State of Georgia, Civil Action No. E-47054. (The firm served as Co-Lead Counsel in this consumer class action based upon the sale of adulterated juice products).

Dingell v. Tropicana Products, Inc., et al., Circuit Court of the Twelfth Judicial Circuit of the State of Florida, Manatee County, General Civil Division, Case No. CA-96-1048. (The firm served as Co-Lead Counsel in this consumer class action based upon the sale of adulterated juice products).

In re Minute Maid Frozen Orange Juice Litig., Superior Court of Fulton County, State of Georgia, Master File No. E-58922. (The firm served as Lead Counsel in this consumer class action based upon misrepresentations in sale of frozen juice products).

In re Motorsports Merchandise Antitrust Litig., United States District Court for the Northern District of Georgia, Civil Action No. 1:97-CV-2314-TWT. (The firm served as Co-Lead Counsel in this antitrust class action).

In re Nylon Carpet Antitrust Litig., United States District Court for the Northern District of Georgia, Civil Action No. 4:98-CV-0267-HLM. (The firm served as Co-Lead Counsel in this antitrust class action).

In re Polypropylene Carpet Antitrust Litig., United States District Court for the Northern District of Georgia, Rome Division, Multidistrict Litigation Docket No. 1075. (The firm served as Co-Lead Counsel in this antitrust class action).