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COHN LIFLAND PEARLMAN
HERRMANN & KNOPF LLP
PETER S. PEARLMAN
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Local Counsel for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

In re PRUDENTIAL FINANCIAL, INC. SECURITIES LITIGATION <hr/> This Document Relates To: ALL ACTIONS. <hr/>) Master File No. 2:19-cv-20839-SRC-CLW)) <u>CLASS ACTION</u>)) DECLARATION OF PETER S.) PEARLMAN FILED ON BEHALF OF) COHN LIFLAND PEARLMAN) HERRMANN & KNOPF IN SUPPORT) OF APPLICATION FOR AWARD OF) ATTORNEYS' FEES AND EXPENSES
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I, PETER S. PEARLMAN, declare as follows:

1. I am Senior Counsel of the firm of Cohn Lifland Pearlman Herrmann & Knopf LLP (the “Firm”). I am submitting this declaration in support of the application for an award of attorneys’ fees and expenses/charges (“expenses”) in connection with services rendered in the above-entitled action.

2. This Firm is Local Counsel of record for Lead Plaintiff City of Warren Police and Fire Retirement System.

3. The information in this declaration regarding the Firm’s time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I am the Senior Counsel who oversaw and/or conducted the day-to-day activities in the litigation, and I reviewed these reports (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 as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. As a result of this review, reductions were made to both time and expenses in the exercise of billing judgment. Based on 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 herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the litigation.

4. The number of hours spent on the litigation by my Firm is 154.40. 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 \$138,390.00. The hourly rates shown in Exhibit A are consistent with hourly rates submitted by the Firm in other securities class action litigation. The Firm's rates are set based on periodic analysis of rates charged by firms performing comparable work both on the plaintiff and defense side in matters in the District of New Jersey. Different timekeepers within the same employment category (*e.g.*, partners, associates, paralegals, etc.) may have different rates based on a variety of factors, including years of practice, years at the Firm, years in the current position (*e.g.*, years as a partner), relevant experience, relative expertise, and the rates of similarly experienced peers at this Firm or other firms.

5. My Firm seeks an award of \$1,110.17 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B.

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

(a) Filing Fees: \$905.00. These expenses have been paid to the Court for filing fees.

(b) Mileage, Tolls and Parking: \$176.74. In connection with the prosecution of this case, the Firm has paid for travel expenses to, among other things, attend court arguments, hearings and meet with mediator. The date, destination, and purpose of each trip is set forth in Exhibit C.

(c) Online Legal and Financial Research: \$5.90. This category includes vendors such as PACER. These resources were used to obtain access to legal research and for cite-checking of briefs. This expense represents the expense incurred by Cohn Lifland Pearlman Herrmann & Knopf LLP for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested.

7. 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.

8. The identification and background of my Firm and its partners who participated in this action is attached hereto as Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 15th day of April, 2024, at Saddle Brook, New Jersey.

/s/Peter S. Pearlman

PETER S. PEARLMAN

EXHIBIT A

EXHIBIT A

In re Prudential Financial, Inc. Sec. Litig., No. 2:19-cv-20839-SRC-CLW
Cohn Lifland Pearlman Herrmann & Knopf LLP
Inception through February 12, 2024

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Peter S. Pearlman	(SC)	150.60	\$900.00	\$135,540
Matthew F. Gately	(P)	3.8	\$750.00	\$2,850
<i>TOTAL</i>		<i>154.40</i>		<i>\$138,390</i>

(SC) Senior Counsel

(P) Partner

EXHIBIT B

EXHIBIT B

In re Prudential Financial, Inc. Sec. Litig., No. 2:19-cv-20839-SRC-CLW
Cohn Lifland Pearlman Herrmann & Knopf LLP
Inception through February 12, 2024

<i>CATEGORY</i>	<i>AMOUNT</i>
Filing Fees	\$ 905.00
Mileage, Tolls and Parking	\$ 176.74
Postage	\$ 2.60
FedEx Overnight Delivery	\$ 19.93
Online Legal and Financial Research	\$ 5.90
<i>TOTAL</i>	<i>\$1,110.17</i>

EXHIBIT C

EXHIBIT C

In re Prudential Financial, Inc. Sec. Litig., No. 2:19-cv-20839-SRC-CLW
Cohn Lifland Pearlman Herrmann & Knopf LLP

Mileage, Tolls and Parking: \$176.74

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>
Peter S. Pearlman	10/27/2021	Tolls - 3d Cir.	Argument (\$16.70)
Peter S. Pearlman	10/27/2021	Mileage to 3d Cir.	Argument (\$102.60)
Peter S. Pearlman	10/27/2021	Parking 3d Cir.	Argument (\$14.00)
Peter S. Pearlman	8/30/2023	Mileage to Newark Federal Court	Hearing (\$13.10)
Peter S. Pearlman	8/30/2023	Parking Newark Federal Court	Hearing (\$12.00)
Peter S. Pearlman	11/30/2023	Mileage to Mediation	Mediation (\$18.34)

EXHIBIT D

COHN LIFLAND PEARLMAN HERRMANN & KNOFF LLP

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Founded in 1924, Cohn Lifland Pearlman Herrmann & Knopf LLP is a firm dedicated to the general practice of law at the highest level of professional competence, striving to achieve maximum benefit for our clients in the most efficient and professionally responsible manner.

Our firm has a wide ranging litigation practice at both the trial and appellate levels of the federal and New Jersey state court systems, having successfully litigated cases up through and including the United States Supreme Court. We regularly handle complex and sophisticated commercial litigation, including class and derivative litigation, in the areas of corporate and securities fraud, lender and accounts' liability, consumer protection, franchise, anti-trust, qui tam, RICO, employment and intellectual property.

Our firm also represents clients in substantial matrimonial actions involving divorce, custody, division of property and support as well as pre and postnuptial planning and agreements. Firm members enjoy expertise in chancery and probate litigation and employment law as well as both federal and state criminal proceedings. We also have a significant tort practice which includes personal injury, medical and legal malpractice, product liability, environmental matters and toxic torts.

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We regularly represent creditors, debtors and third parties in bankruptcy cases ranging from individual insolvencies to complex reorganizations and related problems.

Our active transactional practice includes business planning, mergers, acquisitions, investments and franchising. We offer a broad scope of legal services to our clients in corporate and financial transactions. Our real estate experts provide practical knowledge and extensive expertise in the purchase, sale, development and financing of commercial and residential properties, together with land use and environmental regulatory matters.

Many members of our firm are recognized experts in their particular areas of practice and have written, lectured and taught regularly. Articles authored by firm members have been published in leading legal publications and repeatedly cited in reported decisions including those of the New Jersey Supreme Court. We are consulted frequently by other members of the bar throughout the United States. Our firm acts as counsel in New Jersey to more than 100 leading law firms and practitioners both from within and without the state.

Our clientele includes many national and international corporations, local and regional companies, the State of New Jersey (which we represent in both securities and environmental litigation) government agencies and public and private pension funds

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as well as individuals from all walks of life, presenting problems requiring a high degree of professional skill and practical counseling. Uniquely, a number of clients have continued to retain our firm for generations.

Above all we take great pride in the high quality of services rendered and in our steadfast dedication to the diligent representation of the interests of each of our clients.

Among the more prominent cases in which the firm has been involved either as sole counsel, lead or co-lead counsel, liaison counsel, or in which we have otherwise participated substantively to a significant extent are the following:

Oklahoma Firefighters Pension and Retirement System, etc., v. Newell Brands, Inc., et. al., Superior Court of New Jersey Law Division, Hudson County, Docket No. HUD-L-34922-18 (Feb. 10, 2023) (class action settlement of claims under the Securities Act of 1933 for \$102,500,000);

In re: Lamictal Antitrust Litigation, 957 F.3d 184 (3d Cir. 2020);

In re: Lipitor Antitrust Litigation, 855 F.3d 126 (3d Cir. 2017) (Clarifying the Third Circuit's jurisdiction over reverse payment antitrust claims); also 866 F.3d 281 (3d Cir. 2017) (establishing pleading standards in reverse-payments antitrust actions);

Amanda Mathis, et. al., v. Darden Restaurants, Inc., et. al., (United States District Court for the Southern District of Florida, case No. 12-61742) (a collective action on behalf of servers and bartenders of the world's largest full-service restaurant group for violations of the FLSA for unpaid time and overtime in which our firm served

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as one of three co-lead counsel. Significantly, when the federal action was decertified and sent to contractually mandated arbitration, we and our co-lead counsel brought approximately 2500 separate claims in that arbitration which resulted in \$8 million in recoveries on behalf of the clients plus attorneys' fees and expenses.

MaxLite, Inc. v. ATG Electronics, Inc., 139 F.Supp.3d 371 (D.N.J. 2016) (Analyzing minimum contacts for specific jurisdiction in unfair competition litigation between a New Jersey plaintiff and California defendant);

City of Sterling Heights General Employees' Retirement System v. Prudential Financial, Inc., 2015 WL 5097883 (D.N.J Aug. 31, 2015) (\$33 million settlement for the benefit of the class);

Castro v. Sanofi Pasteur Inc., 137 F. Supp. 3d 820 (D.N.J. 2015)

King Drug Co. of Florence, Inc. v. SmithKline Beecham Corp., 791 F.3d 388 (3d Cir. 2015) (Reverse payment in violation of antitrust laws need not be in cash);

In re Lipitor Antitrust Litigation, 46 F. Supp. 3d 523 (D.N.J. 2014);

In re K-Dur Antitrust Litig., 686 F.3d 197 (3d Cir. 2012), *vacated and remanded in view of Actavis, Upsher Smith Labs., Inc. v. Louisiana Wholesale Drug Co., Inc.*, 133 S. Ct. 2849 (2013), also *In re K-Dur Antitrust Litigation*, 636 F.3d. 197 (3d Cir. 2012) (applying the "quick look" rule of reason analysis and rejecting the scope-of-the-patent test for imposing liability on brand and generic companies for restraints of trade accomplished through "reverse payment" or "exclusion" payments under the Hatch-Waxman Act), also 338 F. Supp. 2d 517 (D.N.J. 2004) (In 2017 the firm received an Outstanding Antitrust Litigation Achievement Award in Private Law Practice from the American Antitrust Institute for its work in connection with this matter);

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Aviva Partners LLC, et al. v. Exide Technologies, et al., U.S.D.C., District of New Jersey, 3:05-cv-3098 (MLC/LHG) (\$13.7 million settlement on behalf of the class);

In re Amerada Hess Corporation Securities Litig., Docket No. 02-03359 (District of New Jersey) (\$9 million settlement on behalf of the class);

In re: Cambrex Corp. Securities Litig., Docket No. 03-4896 (District of New Jersey) (\$3,150,000 settlement on behalf of the class);

In re Merck & Co. Sec., Derivative & Erisa Litig., 493 F. 3d 393 (3d Cir. 2007) (the use of after acquired information obtained through discovery may be utilized to establish demand futility in shareholder derivative litigation);

Rolnik v. AT&T Wireless Services, Inc., Superior Court of New Jersey (\$43 million recovery);

In re Remeron Antitrust Litigation, Case No. 02-2007, District of New Jersey (\$75 million recovery);

In re Lucent Securities Litigation, 327 F. Supp. 2d. 426 (D.N.J. 2004) (\$517 million recovery);

In re AT&T Securities Litigation, Master File No. 455 F.3d 160 (3d Cir. 2006) (\$100 million settlement);

In re Honeywell International, Inc. Securities Litigation, Lead Case No. 2:00cv03605 (DRD), District of New Jersey and 211 F.R.D. 255 (D.N.J. 2002) (\$100 million recovery);

New Jersey Department of Environmental Protection et al v Atlantic Richfield Co., et al. 15 cv – 6468 (D.N.J) (ongoing litigation in which the firm is co-Special Counsel for the State of New Jersey and has recovered \$115 million to date).

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United States of America, ex. rel.; Thomas G. Quinn v. Omnicare Inc., et als., 382 F.3d 432 (3d Cir. 2004) (in which the court established standards for *Qui Tam* litigation in this circuit and held that pharmaceutical suppliers to long term care facilities in New Jersey had no obligation to reimburse Medicaid for returned medications, even if those medications later were resold by the suppliers);

Varsolona v. Breen Capital Services Corp., 360 N.J. Supp. 292 (App. Div. 2003), aff'd as modified, 180 N.J. 605 (2004);

Williams et als. v. Chatmon, et als., Superior Court of New Jersey, Essex County (\$1.6 million jury verdict in securities litigation);

In Re: PSE&G Shareholder Litigation, 173 N.J. 258 (2002) (establishing New Jersey standard for demand made and demand futility pleading in shareholder derivative litigation); *see also*, 315 N.J. Super. 323 (Ch. Div. 1998);

Burgo v. Volkswagen of Amer., 183 F. Supp. 2d. 683 (D.N.J. 2001) (\$1.3 million recovery);

California Public Employees' Retirement System v. Chubb Corp., 127 F. Supp. 2d. (D.N.J. 2001);

In re: Nazi Era Cases Against German Defendants, 135 F. Supp. 2d. 537 (D.N.J. 2000); 198 F.R.D. 429 (D.N.J. 2000);

In re: Diet Drug Litigation, This Matter Relates to: Lynn Vadino, et. al., v. American Home Products Corp., et al., Case Code #240, Docket No. 3042-97, (Law Div. 1999) (\$2.5 billion dollar total recovery);

In re: Nice Systems Securities Litigation, 188 F.R.D. 206 (D.N.J. 1999);

Burger-Fischer v. DeGussa AG, 65 F. Supp. 2d. 248 (D.N.J. 1999);

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Weikel v. Tower Semiconductor, Ltd., 183 F.R.D. 377 (D.N.J. 1998) (\$16.25 million recovery in class action securities litigation);

In re: Anadigics, Inc. Securities Litigation, Master File No. 98-917 (MLC) (\$11.5 million recovery);

In re: Mobilemedia Securities Litigation, 28 F. Supp. 2d. 901 (D.N.J. 1998) (\$23.95 million recovery);

Grassi v. Information Resources, Inc., 63 F. 3d. 596 (7th Cir. 1995) (class action securities litigation tried to conclusion);

In re: Hibbard Brown Securities Litigation, Master File No. 93 Civ 1150, MDL Docket 962 (\$150 million approved claim in bankruptcy);

In re: General Tire & Rubber Co. Securities Litigation, 726 F. 2d. 1057 (6th Cir. 1994);

Gelles v. TDA Industries, 44 F. 3d. 102 (2d. Cir. 1994) (establishing standards in the Second Circuit on the “in connection with” principle for securities fraud);

Easton & Co. v. Mutual Benefit Life Insurance Co., Fed. Sec. L. Rep. (CCH) ¶’s 96,595, 97,294 and 97,348 (D.N.J. 1993) (\$2.75 million recovery);

Resolution Trust Corp. v. DiDomenico, 837 F. Supp. 623 (D.N.J. 1993);

In Re: Bronze and Copper Anti-Trust Litigation, Master File No. 93-4673 (AET), District of New Jersey;

V. Rachael Lerch, et als. v. Citizens First Bancorp, et al., 805 F. Supp. 1142 (D.N.J. 1992) and 144 F.R.D. 247 (D.N.J. 1992) (\$4 million recovery in securities litigation);

Zinberg v. Washington Bancorp, et al., 138 F.R.D. 397 (D.N.J. 1990) (\$2.1 million recovery in securities litigation);

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In Re: C.R. Bard, Inc. Securities Litigation, Master File No. 90-948 (AMW), District of New Jersey (\$18.1 million settlement);

In Re: The Regina Company, inc. Securities Litigation, Civil Action No. 88-4149 (HAA), District of New Jersey (\$7.3 million recovery);

Pearl Newman, et al. v. On Line Software International, inc., et al., Civil Action No. 88-3247 (JLL), District of New Jersey (\$4.1 million recovery during trial in class action securities litigation);

Rose Cammer, et als. v. Bruce M. Bloom, et als., Civil Action No. 88-2458 (AJL) (*See* 711 F. Supp. 1264 (D.N.J. 1989) (\$15 million recovery);

In Re: Todd Shipyards Securities Litigation, Master File No. 88-2580 (DRD), District of New Jersey (\$12.6 million recovery);

Willis v. Rubiera Zim, 705 F. Supp. 205 (D.N.J. 1988) (Finding punitive damages allowable in securities arbitration);

Reufenacht v. O'Halleran, 737 F. 2d. 320 (3d. Cir. 1984), *aff'd*, sub. nom. *Gould v. Reufenacht*, 471 U.S. 701 (1985) (succeeded in persuading the Supreme Court to disavow the “sale of business doctrine” and afford a private right of action under the antifraud provisions of the federal securities laws to those who purchase businesses by acquiring stock rather than assets);

Emanuel Metz, etc. v. Jupiter Industries, et als., Civil Action No. 85-c- 08414, Northern District of Illinois (\$3.1 million recovery in class action securities litigation);

In Re: California Life Insurance Company Securities Litigation, MDL Docket No. 400 (LEW), Central District of California (\$3.25 million recovery);

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In Re: General Public Utilities Corporation Securities Litigation, Fed. Sec. L. Rep. (CCH) 1983-1984 Transfer Binder, ¶99,566 (D.N.J. 1983) (\$24.5 million recovery); and

Abramowitz v. Posner, 672 F. 2d. 1025 (2d. Cir. 1982) and 513 F. Supp. 120 (S.D.N.Y. 1981 shareholder derivative litigation).

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Peter S. Pearlman
psp@njlawfirm.com

Peter S. Pearlman practices primarily in the area of commercial litigation in both federal and state courts. Cases in which Mr. Pearlman has been involved have been the subject of more than 60 published opinions, many of which have established important legal precedents.

Mr. Pearlman also regularly represents clients before FINRA, the Financial Industry Regulatory Authority. He has been certified by the Supreme Court of New Jersey's board on Trial Attorney Certification as a civil trial attorney continuously since that certification first became available.

Mr. Pearlman is AV rated by Martindale-Hubbell and has been recognized in *Best Lawyers in America*, as well as *SuperLawyers* in New Jersey for Business Litigation continuously in every year since that recognition first became available. He also is listed *SuperLawyers* Corporate Counsel.

As a transactional attorney, Mr. Pearlman has represented numerous clients in the formation, purchase, sale, reorganization and franchising of corporations, partnerships and limited liability companies in transactions ranging from a few hundred thousand dollars to in excess of \$100 million.

Mr. Pearlman served as a member of the Lawyers' Advisory Committee to the U.S. District Court District of New Jersey for fifteen years, is a past co-chair of the Class Action Committee of the New Jersey State Bar Association, and served for ten years as a trustee of the Association of the Federal Bar of New Jersey. In 2017, Mr. Pearlman was selected by the Association of the Federal Bar of New Jersey and the New Jersey Commission on Professionalism in Law as a recipient of the Professional Lawyer of the Year Award and received the New Jersey Law Journal's Lifetime Achievement Award in 2022.

Mr. Pearlman has lectured on topics involving business litigation for the American Bar Association and the New Jersey Institute for Continuing Legal Education. He has taught trial advocacy for the National Institute of Trial Advocacy and has also taught trial and appellate skills at Hofstra, Widener and Roger Williams Schools of Law.

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Among the more prominent cases in cases in which Mr. Pearlman has been involved and in which he acted as sole, lead, co-lead, or liaison counsel, include:

Oklahoma Firefighters Pension and Retirement System, etc., v. Newell Brands, Inc., et. al., Superior Court of New Jersey Law Division, Hudson County, Docket No. HUD-L-34922-18 (Feb. 10, 2023) (class action settlement of claims under the Securities Act of 1933 for \$102,500,000);

In re: Lamictal Antitrust Litigation, 957 F.3d 184 (3d Cir. 2020);

Amanda Mathis, et. al., v. Darden Restaurants, Inc., et. al., (United States District Court for the Southern District of Florida, case No. 12-61742) (a collective action on behalf of servers and bartenders of the world's largest full-service restaurant group for violations of the FLSA for unpaid time and overtime. When the federal action was decertified and sent to contractually mandated arbitration, we and our other two co-lead counsel brought approximately 2500 separate claims in that arbitration which resulted in \$8 million in recoveries on behalf of the clients plus attorneys' fees and expenses.

In re: Lipitor Antitrust Litigation, 868 F.3d 281 (3d Cir. 2017) (Establishing pleading standards in reverse-payments antitrust actions), also 855 F.3d 126 (3d Cir. 2017) (Clarifying the Third Circuit's jurisdiction over reverse payment antitrust claims), also 46 F. Supp. 3d 523 (D.N.J. 2014);

MaxLite, Inc. v. ATG Electronics, Inc., 139 F.Supp.3d 371 (D.N.J. 2016) (Analyzing minimum contacts for specific jurisdiction in unfair competition litigation between a New Jersey plaintiff and California defendant);

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Castro v. Sanofi Pasteur Inc., 137 F. Supp. 3d 820 (D.N.J. 2015) (\$61,500,000 settlement for the benefit of the class);

King Drug Co. of Florence, Inc. v. SmithKline Beecham Corp., 791 F.3d 388 (3d Cir. 2015) (Reverse payment in violation of antitrust laws need not be in cash);

In re K-Dur Antitrust Litig., 686 F.3d 197 (3d Cir. 2012), *vacated and remanded in view of Actavis, Upsher Smith Labs., Inc. v. Louisiana Wholesale Drug Co., Inc.*, 133 S. Ct. 2849 (2013), also 338 F. Supp. 2d 517 (D.N.J. 2004) (\$60,200,000 settlement for the benefit of the class);

Herman v. Yellow Pages, LLC, 780 F. Supp. 2d 1028 (S.D. Ca. 2011);

Kalow & Springut v. Commence Corp., 272 F.R.D. 397 (D.N.J. 2011);

State of New Jersey Dept. of Treasury v. Fuld, 604 F.3d 86 (3d Cir. 2010);

In re Merck & Co. Sec., Derivative & ERISA Litig., 493 F.3d 393 (3d Cir. 2007);

In re AT&T Securities Litigation, 455 F.3d 160 (3d Cir. 2006) (\$100 million settlement for the benefit of the class);

In re Remeron Antitrust Litigation, 367 F. Supp. 2d 675 (D.N.J. 2005) (\$75 million settlement for the benefit of the class);

U.S. ex rel. Quinn v. Omnicare Inc., 382 F.3d 432 (3d Cir. 2004) (in which the court established standards for *Qui Tam* litigation in this circuit and held that pharmaceutical suppliers to long term care facilities in New Jersey had no obligation to reimburse Medicaid for returned medications, even if those medications later were resold by the suppliers);

Varsolona v. Breen Capital Services Corp., 360 N.J. Super. 292 (App. Div. 2003), *aff'd as modified*, 180 N.J. 605 (2004);

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Naviant Marketing Solutions, Inc. v. Larry Tucker, Inc., 339 F. 3d 180 (3d Cir. 2003);

In re Honeywell International Securities Litigation, 211 F.R.D. 255 (D.N.J. 2002), also 182 F. Supp. 2d 414 (D.N.J. 2002) (\$100 million settlement obtained for the benefit of the class);

In re: PSE&G Shareholder Litigation, 173 N.J. 258 (2002) (the Supreme Court adopted new pleading standards for plaintiffs in shareholder derivative litigation, rejecting the more rigid Delaware standards), also 315 N.J. Super. 323 (Ch. Div. 1998);

Burgo v. Volkswagen of America, 183 F. Supp. 2d 683 (D.N.J. 2001);

California Public Employees Retirement System v. Chubb Corp, 127 F. Supp. 2d 572 (D.N.J. 2001);

Noorily v. Thomas & Betts Corp., 188 F.3d 153 (3d Cir. 1999), *cert. denied*, 529 U.S. 1053;

Megatech, Inc. v. NSD Acquisitions LP, 215 F.3d 1320 (4th Cir. 2000);

In re: Interneuron Pharmaceuticals Litigation, 188 F.R.D. 3 (D. Mass. 1999);

In re: Nice Systems Securities Litigation, 188 F.R.D. 206 (D.N.J. 1999);

Burger-Fischer v. DeGussa AG, 65 F. Supp. 2d 248 (D.N.J. 1999);

In re: Milestone Scientific Securities Litigation, 183 F.R.D. 404 (D.N.J. 1998), also 187 F.R.D. 165 (D.N.J. 1999), also 103 F. Supp. 2d 425 (D.N.J. 2000);

In re: Computron Software Litigation, 6 F. Supp. 2d 313 (D.N.J. 1998);

Weikel v. Tower Semiconductor, Ltd., 183 F.R.D. 377 (D.N.J. 1998) (\$16.25 million settlement achieved for the benefit of the class);

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In re: Mobilemedia Securities Litigation, 28 F. Supp. 2d 901 (D.N.J. 1998);
Matter of TDA Industries, Inc., 240 A.D. 2d 262 (N.Y.A.D. 1 Dept. 1997);
J.K. Funding, Inc. v. DeCara Enterprises, Ltd., 235 A.D. 2d 785 (N.Y.A.D. 3 Dept. 1997), also 270 A.D. 2d 456 (N.Y.A.D. 2 Dept. 2000);
Grassi v. Information Resources, Inc., 63 F. 3d 596 (7th Cir. 1995);
In Re: General Tire & Rubber Co. Securities Litigation, 726 F.2d 1057 (6th Cir. 1994);
Gelles v. TDA Industries, 44 F.3d 102 (2d Cir. 1994) (establishing new standards in the Second Circuit on the purchaser/seller requirement of SEC Rule 10b-5), also Fed. Sec. L. Rep. 1993 Transfer Binder 97,690 (S.D.N.Y. 1993), also Fed. Sec. L. Rep. 1990 Transfer Binder 96,110 (S.D.N.Y. 1991);
Easton & Co. v. Mutual Benefit Life Insurance Co., Fed. Sec. L. Rep. (CCH) 1993 Transfer Binder 96,595, 97,294 and 97,348 (D.N.J. 1993);
Resolution Trust Corp. v. DiDomenico, 837 F. Supp. 623 (D.N.J. 1993);
V. Rachael Lerch, et. al. v. Citizens First Bancorp, et al., 805 F. Supp. 1142 (D.N.J. 1992), also 144 F.R.D. 247 (D.N.J. 1992) (\$4 million settlement achieved for the benefit of the class);
Franz v. Raymond Eisenhardt Sons, Inc., 732 F. Supp. 521 (D.N.J. 1990);
Zinberg v. Washington Bancorp, et al., 138 F.R.D. 397 (D.N.J. 1990) (\$2.1 million settlement achieved for the benefit of the class);
Rose Cammer, et al. v. Bruce M. Bloom, et al., 711 F. Supp. 1264 (D.N.J. 1989) (\$15 million settlement achieved for the benefit of the class);

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Willis v. Rubiera Zim, 705 F. Supp. 205 (D.N.J. 1988) (clarifying the right of arbitrators to award punitive damages on investors claims);

Reufenacht v. O'Halleran, 737 F.2d 320 (3d Cir. 1984), *aff'd, sub. nom. Gould v. Reufenacht*, 471 U.S. 701 (1985) (the Supreme Court disavowed the sale of business doctrine, thereby confirming the right of those who purchase businesses by acquiring the corporate stock rather than the business assets to the protection of the anti-fraud provisions of the federal securities laws);

Degenaars v. Degenaars, 186 N.J. Super. 233 (Ch. Div. 1982);

Turner v. Aldens, Inc., 179 N.J. Super. 596 (App. Div. 1981);

Roem v. Borough of Dumont, 176 N.J. Super. 397 (App. Div. 1980);

In Re: General Public Utilities Corporation Securities Litigation, Fed. Sec. L. Rep. (CCH) 1983-1984 Transfer Binder, 99,566 (D.N.J. 1983) (\$24.5 million settlement achieved for the benefit of the class);

Abramowitz v. Posner, 672 F.2d 1025 (2d Cir. 1982), also 513 F. Supp. 120 (S.D.N.Y. 1981) (setting standards for shareholders derivative litigation in the Second Circuit);

In re: General Tire & Rubber Co. Securities Litigation, 429 F. Supp. 1032 (J.P.M.L. 1977);

Scott v. Richstein, 129 N.J. Super. 516 (Law Div. 1974);

Crowell v. U.S. 1972 A.M.C. 2086 (D.N.J. 1972).

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Matthew F. Gately
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Mr. Gately will be working with Mr. Pearlman on this matter. His practice primarily involves complex commercial/contractual disputes and class/collective actions. Mr. Gately's class action practice is particularly broad, as he has represented both putative class representatives and corporate defendants in cases involving, among other things, securities fraud, ERISA, consumer fraud, and federal and state wage/hour laws. He has also represented direct purchasers in several "reverse-payment" antitrust class actions, including the *K-Dur* and *Lamictal* matters detailed above.

Mr. Gately's experience in civil litigation includes supervising all aspects of discovery, briefing and arguing dispositive and non-dispositive motions, and having tried 6 cases to verdict in court or arbitration.

He is AV rated by Martindale-Hubbell and was invited to become the second Associate Fellow of Litigation Counsel of America in New Jersey. Mr. Gately has also been named a "New Leader of the Bar" by the *New Jersey Law Journal*, a "Rising Star" by *Super Lawyers*, a "Top Lawyer" for Litigation and Commercial Litigation by *(201) Magazine*, and a "Top Lawyer" for Commercial Litigation and Securities by *Bergen Magazine*. He has also received recognitions for his pro bono service.

Before joining Cohn Lifland, Mr. Gately clerked for the Hon. Madeline Cox Arleo, U.S.D.J., D.N.J., and the Hon. Michael A. Hammer, U.S.M.J., D.N.J., and worked for several years in the commercial litigation group of an AmLaw 100 law firm.

Mr. Gately received his J.D. from Columbia Law School, where he was a Harlan Fiske Stone Scholar and published member of the *Columbia Business Law Review*. He received his B.A., *magna cum laude*, from Lafayette College. Mr. Gately was admitted in the state courts of New Jersey and New York, the United States Court of Appeals for the Third Circuit, the United States District Court for the District of New Jersey, the United States District Court for Southern District of New York, the United States District Court for the Eastern District of New York, and the United States District Court for the Western District of Arkansas.

He currently serves as Co-Chair of the Bergen County Bar Association's Federal Practice Committee and is a Barrister of the C. Willard Heckel Inn of Court.

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Additionally, Mr. Gately is a member of the Association of the Federal Bar of New Jersey, the Historical Society for the U.S. District Court for the District of New Jersey, the New Jersey State Bar Association (and its Federal Practice & Procedure Section), and the Association of Criminal Defense Lawyers of New Jersey. He has both written and presented on issues of federal practice.