

EXHIBIT E

1 Simon Bahne Paris (admitted *pro hac vice*)
 2 Patrick Howard (admitted *pro hac vice*)
 3 Charles J. Kocher (admitted *pro hac vice*)
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 8 ckocher@smbb.com

9 *Lead Class Counsel for the Settlement Class*

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 JASON TRABAKOOLAS, SHEILA STETSON,
 14 CHRISTIE WHEELER, JACK MOONEY, and
 KEVEN TURNER individually and on behalf of
 all others similarly situated,

15 Plaintiffs

16 v.

17 WATTS WATER TECHNOLOGIES, INC.,
 18 WATTS REGULATOR CO., WOLVERINE
 BRASS, INC., AND JOHN DOES 1-100.

19 Defendants.

No. 3:12-cv-01172-WHO (EDL)

CLASS ACTION

**DECLARATION OF GERARD A.
 DEVER IN SUPPORT OF PETITION
 FOR ATTORNEYS' FEES AND
 REIMBURSEMENT OF EXPENSES
 FILED ON BEHALF OF FINE,
 KAPLAN AND BLACK, RPC**

Judge William H. Orrick

Action Filed: March 8, 2012

1 I, Gerard A. Dever, pursuant to 28 U.S.C. §1746, hereby declare as follows:

2 1. This declaration is based upon my personal knowledge.

3 2. I am an attorney currently licensed in good standing to practice law in the
4 Commonwealth of Pennsylvania. I am a member of the law firm Fine, Kaplan and Black, RPC.

5 3. I have been actively engaged in the practice of law since 2000, with substantial
6 experience in complex litigation and class actions. For example, I represent a class of direct
7 purchasers of certain chemicals in *In re Urethane (Polyether Polyols) Antitrust Litigation*, ___F.
8 Supp. 2d ___, 2012 WL 6610878 (D. Kan. Dec. 18, 2012), a pending multidistrict price-fixing
9 action in which Fine, Kaplan and Black serves as co-lead counsel. Settlements of \$139 million
10 have been reached with three defendants. The case against the remaining defendant has been
11 tried to a jury, resulting in a verdict for plaintiffs, and a judgment in excess of \$1 billion. A copy
12 of my firm's resume is attached hereto as Exhibit 1.

13 4. I personally rendered legal services in this case, and was personally responsible for
14 additional staffing and activity conducted on plaintiffs' behalf by other attorneys and
15 paraprofessionals at my firm, including overseeing all services rendered. Based on my activities
16 and oversight in this case, as well as my review of my firm's billing records maintained in this
17 case, I have personal knowledge of the time attorneys and paraprofessionals at my firm spent
18 rendering services on behalf of the plaintiffs, the hourly rates charged for those services, and the
19 necessary costs incurred in the normal course of this litigation.

20 5. As set forth in Exhibit 2, the attorneys and paraprofessionals at my firm expended
21 the following number of hours from January 31, 2012 through December 12, 2013, at the
22 following current hourly rates, in performing legal services on behalf of Plaintiffs and the Class in
23 this case from inception through April 30, 2014:

<u>Timekeeper</u>	<u>Position</u>	<u>Hours</u>	<u>Rate/Hour</u>	<u>Total</u>
24 Donald Perelman	Member	30.00	\$675.00	\$20,250.00
25 Donald Perelman	Member	37.00	\$725.00	\$26,825.00
26 Roberta Liebenberg	Member	3.50	\$700.00	\$ 2,450.00

1	Jeffrey Istvan	Member	1.00	\$575.00	\$ 575.00
2	Gerard Dever	Member	9.20	\$525.00	\$ 4,830.00
3	Gerard Dever	Member	42.50	\$575.00	\$24,437.50
4	Paul Costa	Member	62.50	\$525.00	\$32,812.50
5	Ria Momblanco	Associate	155.70	\$400.00	\$62,280.00
6	Ria Momblanco	Associate	153.70	\$450.00	\$69,165.00
7	Elise Singer	Of Counsel	16.30	\$650.00	\$10,595.00
8	Louis Ricciardi	Of Counsel	45.00	\$525.00	\$23,625.00
9	Nancy Blakeslee	Paralegal	4.60	\$220.00	\$ 1,012.00
10	Nancy Blakeslee	Paralegal	.80	\$250.00	\$ 200.00
11	Allyson Katzman	Paralegal	228.90	\$250.00	\$57,225.00
12	Susan Hufnagel	Paralegal	373.50	\$250.00	\$93,375.00
13	Total		1,164.20		\$ 429,657.00

14

15 6. Based on my knowledge and experience, the rates charged by the attorneys and
16 paraprofessionals at my firm are the same as charged for non-contingent legal services by my law
17 firm, and are within the range of rates normally and customarily charged in Philadelphia by
18 attorneys and paraprofessionals of similar qualifications and experience in cases of this kind.

19 7. In my judgment, and based on my years of experience, the number of hours
20 expended and the services performed by the attorneys and paraprofessionals at my firm and under
21 my supervision were reasonable and expended for the benefit of the plaintiffs in this litigation.

22 8. As set forth in Exhibit 3, my law firm also incurred expenses in the amount of
23 \$33,380.06. These expenses include: filing fees, copying charges, computer research, and other
24 case-related expenses that commonly benefitted plaintiffs. Based on my knowledge and
25 experience, all of these expenses were necessary and reasonable, and incurred for the benefit of
26 the plaintiffs in this litigation.

27 I declare under penalty of perjury that the foregoing is true and correct.

28

Dated: 5/15/14

Gerard A. Dever
GERARD A. DEVER

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EXHIBIT 3

Trabakoolas, et al. v. Watts Water Technologies, Inc. et al., Case No. C-12-1172-YGR
EXPENSE REPORT &
SUMMARY OF FEES AND EXPENSES

FIRM NAME: FINE, KAPLAN AND BLACK, RPC
 REPORTING PERIOD: INCEPTION THROUGH APRIL 30, 2014

DESCRIPTION	CURRENT AMOUNT	CUMULATIVE TOTAL
Assessment Payment to Plaintiffs' Common Fund	\$	30,000.00
Commercial Copies	\$	-
Internal Reproduction / Copies	\$	603.60
Court Fees (Filing costs, etc.)	\$	25.00
Court Reporters / Transcripts	\$	-
Computer Research	\$	2,751.46
Telephone/Fax/E-mail	\$	-
Postage/Express Delivery/Messenger	\$	-
Professional Fees (expert, investigator, accountant, etc.)	\$	-
Witness/Service Fees	\$	-
Travel (Air Transportation, Ground Travel, Meals, Lodging, etc.)	\$	-
Clerical Overtime	\$	-
Miscellaneous/Other (Describe)	\$	-
TOTAL EXPENSES	\$0.00	\$33,380.06

EXHIBIT 2

TIME REPORT

FIRM NAME: FINE, KAPLAN AND BLACK, RPC

REPORTING PERIOD: INCEPTION THROUGH APRIL 2014

Categories:

- (1) Investigations, Factual Research
- (2) Discovery
- (3) Pleadings, Briefs, Pretrial Motions (includes legal research)
- (4) Court Appearances
- (5) Settlement
- (6) Litigation Strategy and Analysis and Case Management
- (7) Class Certification

Status:

- (P) Partner
- (A) Associate
- (LC) Law Clerk
- (PL) Paralegal
- (OC) Of Counsel
- (I) Investigator
- (T) Technical
- (CA) Contract Attorney

NAME	STATUS	(1)	(2)	(3)	(4)	(5)	(6)	(7)	Current Hours	Current Hourly Rate	Current Lodestar	Cumulative Hours	Cumulative Lodestar Historical	Cumulative Lodestar Current
Donald L. Perelman	M	8.00	19.70	5.00		16.70	8.00	9.60	67.00	\$725	\$48,575.00	67.00	\$47,075.00	\$48,575.00
Roberta D. Liebenberg	M			3.50					3.50	\$750	\$2,625.00	3.50	\$2,450.00	\$2,625.00
Jeffrey S. Istvan	M	1.00							1.00	\$625	\$625.00	1.00	\$575.00	\$625.00
Gerard A. Dever	M	6.20	5.50	36.30		0.50	3.20		51.70	\$575	\$29,727.50	51.70	\$29,267.50	\$29,727.50
Paul Costa	M		62.50						62.50	\$525	\$32,812.50	62.50	\$32,812.50	\$32,812.50
Matthew H. Duncan	M								0.00	\$525	\$0.00	-	\$0.00	\$0.00
Mary L. Russell	A								0.00	\$500	\$0.00	-	\$0.00	\$0.00
Ria C. Mombianco	A		132.50	172.20		2.40		2.30	309.40	\$450	\$139,230.00	309.40	\$131,445.00	\$139,230.00
Adam J. Pessin	A								0.00	\$500	\$0.00	-	\$0.00	\$0.00
Robert A. Larsen	OC								0.00	\$450	\$0.00	-	\$0.00	\$0.00
Louis Ricciardi	OC			45.00					45.00	\$575	\$25,875.00	45.00	\$23,625.00	\$25,875.00
Elise Singer	OC		16.30						16.30	\$650	\$10,595.00	16.30	\$10,595.00	\$10,595.00
Nancy M. Blakeslee	PL		0.80	4.60					5.40	\$250	\$1,350.00	5.40	\$1,212.00	\$1,350.00
Allyson L. Katzman	PL		224.50	2.00			2.40		228.90	\$250	\$57,225.00	228.90	\$57,225.00	\$57,225.00
Susan J. Hufnagel	PL		373.50						373.50	\$250	\$93,375.00	373.50	\$93,375.00	\$93,375.00
TOTALS		15.20	835.30	268.60	0.00	19.60	13.60	11.90	1,164.20		\$442,015.00	1,164.20	\$429,657.00	\$442,015.00

EXHIBIT 1

ABOUT THE FIRM

FINE, KAPLAN AND BLACK, RPC

One South Broad Street, 23rd Floor
Philadelphia, Pennsylvania 19107
(215) 567-6565

Fine, Kaplan and Black is a nationally recognized firm located in Philadelphia, Pennsylvania, which devotes its practice entirely to litigation, with particular emphasis on antitrust, class actions, complex commercial litigation, consumer protection and white collar criminal defense.

Fine, Kaplan and Black has consistently been highly ranked as one of the premier antitrust practices in Pennsylvania by the *Chambers USA Client Guide*. The *Guide* praises the Firm as an “excellent boutique firm” that is composed of “erudite and capable attorneys.” In the *Guide*, clients praised the Firm for its “absolutely fantastic service” and “superb attorneys.”

In addition, all of Fine, Kaplan and Black’s litigation partners -- Allen Black, Roberta Liebenberg, Donald Perelman, Jeffrey Istvan, Gerard Dever and Paul Costa -- have been named Pennsylvania Super Lawyers or Rising Stars by *Philadelphia Magazine*.

Since its formation in 1975, the Firm has been involved in many of the most significant antitrust and class action cases in federal and state courts. A few examples of these cases include:

In re Urethane [Polyether Polyols] Antitrust Litig., 251 F.R.D. 629 (D. Kan. 2008), a pending multidistrict price-fixing action in which the Firm serves as Co-Lead Counsel for a class of direct purchasers. Settlements of \$139 million have been reached with three of the defendants. The litigation against the remaining defendant has been tried before a jury, resulting in a verdict for plaintiffs in excess of \$400 million.

United States v. Stolt-Nielsen, et al., 524 F. Supp. 2d 586 (E.D. Pa. 2007), a criminal prosecution brought after the Antitrust Division rescinded an Amnesty Agreement that promised immunity from prosecution to the Company and its executives. This represented the first case in which the Government had rescinded

an Amnesty Agreement and attempted to maintain a criminal prosecution against the parties to such an Agreement. After a four-week trial on a Motion to Dismiss the Indictment and extensive briefing by the parties, the Court found that the Government had “no reasonable basis” for revoking the Amnesty Agreement, and dismissed the indictment.

In re NASDAQ Market-Makers Antitrust Litigation, 187 F.R.D. 465 (S.D.N.Y. 1998), was one of the country’s largest and most complex multidistrict price-fixing class actions. The Firm served as one of Plaintiffs’ Co-Lead Counsel, on behalf of a class of more than a million class members. The case was certified and ultimately settled for more than one billion dollars.

Love Terminal Partners v. City of Dallas, 527 F. Supp. 2d 538 (N.D. Tex. 2007), a complex antitrust litigation arising out of the Wright Amendment Reform Act of 2006, in which the Firm successfully defended Southwest Airlines and the Court granted its motion to dismiss the complaint.

Standard Iron Works v. ArcelorMittal, 639 F. Supp. 2d 877 (N.D. Ill. 2009), a pending multidistrict price-fixing action in which the Firm was appointed as Co-Lead Counsel for a putative class of direct purchasers.

In re Aftermarket Filters Antitrust Litigation, MDL No. 1957 (N.D. Ill.), a multidistrict price-fixing action in which the Firm was appointed as Co-Lead Counsel for a putative class of direct purchasers, and achieved a settlement of \$18 million for the class.

In re Metoprolol Succinate Antitrust Litigation, No. 06-cv-71 (D. Del.), an antitrust litigation where the firm is Co-Lead Counsel for a class of indirect purchasers of the pharmaceutical Toprol-XL® in which a settlement of \$11 million was achieved for the class.

In re Terrapin Express, Inc. v. Airborne Express, Inc., No. 11-199-01536-05 (AAA 2007), a class-wide arbitration in which the Firm represented a class of independent contractors alleging systematic underpayment and breach of contract. In June 2008, a panel of arbitrators approved a \$24.75 million settlement.

In re Copper Antitrust Litigation, 528 F. Supp. 2d 908 (W.D. Wis. 2007), an antitrust case in which the Firm represented a group of large purchasers of copper in litigation alleging price manipulation in the copper market which settled favorably in 2007.

In re Remeron End-Payor Antitrust Litigation, 2005 WL 2230314 (D.N.J. Sept. 13, 2005), an antitrust class action in which the Firm was Co-Lead counsel, and achieved a settlement of \$36 million for the class of end users of a prescription drug.

In re TriCor Indirect Purchasers Antitrust Litigation, Civil Action No. 05-360 (SLR) (D. Del.). The firm represented a plaintiff class of indirect purchasers of TriCor® and other prescription drugs containing fenofibrate. The class obtained a settlement of \$65.7 million.

In re Linerboard Antitrust Litigation, 305 F.3d 145 (3d Cir. 2002) and 2004 WL 1221350(E.D. Pa. June 2, 2004), a horizontal price-fixing class action against the major manufacturers of corrugated containers, in which the Firm was a member of Plaintiffs' Executive Committee. Settlements in the fall of 2003 resulted in a recovery in excess of \$202.5 million for the benefit of the class.

Harleysville Mutual Ins. Co. v. GE Reinsurance Corp., 2002 WL 922148 (E.D. Pa. May 6, 2002), a complex contract litigation in which the Firm won summary judgment for its plaintiff client less than six months after the action was filed.

In re Lorazepam and Clorazepate Antitrust Litigation, 2003 WL 22037741 (D.D.C. June 16, 2003), an antitrust class action in which the Firm was Co-Counsel for the class of direct purchasers. The Court, in approving a \$35,000,000 settlement for the class, characterized counsel "among the best and most experienced antitrust litigators in the country."

In re Microcrystalline Cellulose Antitrust Litigation, M.D.L. No. 1402 (E.D. Pa.), a price-fixing class action involving the sale of microcrystalline cellulose (MCC) which was settled for \$50 million. The Firm was one of the Discovery Co-Chairs.

In re Vitamins Antitrust Litigation, M.D.L. No. 1285 (D.D.C.), a massive international price-fixing class action, in which the Firm was a member of Plaintiffs' Executive Committee. Settlements were reached resulting in a recovery for the class in excess of \$325 million.

Parsky v. First Union Corp., 51 Pa. D&C 4th 468, 2001 WL 535786 (Phila. Com. Pl. 2001), a class action alleging breach of contract and breach of fiduciary duty against First Union Corp., arising out of First Union's conversion of its common trust funds to shares of its in-house mutual funds. In the fall of 2003 the Firm achieved a settlement in excess of \$23 million for the benefit of the class.

In re Providian Financial Corp. Credit Card Terms Litigation (E.D. Pa. 1999), a large, consumer fraud class action in which a member of the Firm was Plaintiffs' Co-Lead Counsel, ultimately was settled for \$105 million for the benefit of the class.

In re Allegheny Health, Education & Research Foundation. The Firm represented a former executive of the Allegheny Health System as a defendant in a variety of civil proceedings in federal and state trial courts, and in a federal bankruptcy

court. The Firm also represented the client in connection with a variety of government investigations concerning the financial collapse of the Allegheny Health System. See Browne v. Abdelhak, 2000 WL 1201889 (E.D. Pa. 2000).

In re Corrugated Container Antitrust Litigation, 1556 F. Supp. 1117 (S.D. Tex. 1982), a seminal price-fixing class action case in which a firm partner was one of six trial counsel for the plaintiff class and obtained \$500 million in settlements, including a four month jury trial that resulted in a verdict for the class.

Mead Data Central v. West Publishing Co. (S.D. Ohio 1987) and West Publishing Co. v. Mead Corporation, (D. Minn. 1988). The Firm, with co-counsel, represented West Publishing Company in two courts as both counterclaim defendant and plaintiff in a massive antitrust battle with Lexis, and ultimately achieved a very favorable settlement for West.

Northeast Jet Co. v. Lehigh-Northampton Airport Authority, et al., 767 F. Supp. 672 (E.D. Pa. 1991). A firm partner represented Defendants in RICO, antitrust, § 1983, and other claims against an airport authority, the chairman of its board, and the airport's executive director. All claims were dismissed on summary judgment before trial.

A number of courts have commented favorably on the quality of our Firm's work in antitrust and other class actions. For example, in In re Linerboard Antitrust Litigation, 2004 WL 1221350, at *6 (E.D. Pa. June 2, 2004), in which our Firm was a member of Plaintiffs' Executive Committee, the Court approved a settlement of \$202.5 million for the benefit of the class, and stated, "the lawyering in the case at every stage was superb...." In In re Lorazepam and Clorazepate Antitrust Litigation, M.D.L. No. 1290, 2003 WL 22037741, *6, (D.D.C. June 16, 2003), in which our Firm was Co-Counsel for the class of direct purchasers, in approving the settlement the Court characterized counsel as "among the best and most experienced antitrust litigators in the country." In In re NASDAQ Market-Makers Antitrust Litigation, 187 F.R.D. 465, 474 (S.D.N.Y. 1998), the Firm served as one of Plaintiffs' Co-Lead Counsel, and the Court approved a settlement of over \$1 billion, complimenting the Firm by noting that, "[i]t is difficult to conceive of better representation than the parties to this action achieved."

Allen D. Black, a member, is a graduate of Princeton University and the University of Pennsylvania Law School, *magna cum laude*, where he was Comment Editor of the Law Review and a member of the Order of the Coif. Thereafter, he served as law clerk to the Honorable John Minor Wisdom of the United States Court of Appeals for the Fifth Circuit, as a trial attorney in the Civil Rights Division of the United States Department of Justice, and in the Judge Advocate General's Corps of the United States Navy.

Mr. Black is highly rated in both general commercial litigation and antitrust law in the respected “*client guide*” published by Chambers USA. The *2010 Chambers Guide* described Mr. Black as “one of the finest antitrust lawyers around – and one of the nicest, too Mr. Black also has been recognized in *The Best Lawyers in America* for outstanding reputation and distinguished work in the Antitrust practice area.

Professor Stephen Burbank, one of the country’s leading scholars on class actions, has written that, “Allen Black is quite simply one of the best and most thoughtful lawyers in the country, a highly successful litigator and important contributor to numerous law reform efforts.” Burbank, “*Litigation in a Free Society: The Roles of Litigation,*” 80 Wash. U.L.Q. 705, 719 (2002). Mr. Black has been an elected member of The American Law Institute for 30 years, has served as a member of its council for 13 years, and was recently elected as First Vice President of the Institute. He is a Fellow of the American College of Trial Lawyers. Mr. Black has taught at the law schools of the University of North Dakota, Rutgers University, Temple University, and the University of Pennsylvania.

Roberta D. Liebenberg, a member, is a graduate of the University of Michigan and the Catholic University Columbus School of Law, *magna cum laude*, where she was the Notes

Editor of the Law Review. Thereafter, she served as a law clerk for the United States Court of Appeals for the Fourth Circuit.

Ms. Liebenberg has served in leadership roles in a number of antitrust and consumer class actions, including: In re Urethane [Polyether Polyols] Antitrust Litigation, MDL No. 1616 (D.Kan.) (Co-Lead Counsel) (settlements of \$139 million; jury verdict in excess of \$400 million against non-settling defendant); In re Aftermarket Filters Antitrust Litigation, MDL No. 1957 (N.D. Ill.) (Co-Lead Counsel for direct purchasers); In re Provident Financial Corp. Credit Card Terms Litigation, MDL No. 1301 (E.D. Pa.) (Co-Lead Counsel) (\$105 million settlement); In re Linerboard Antitrust Litigation, MDL No. 1261 (E.D. Pa.) (Executive Committee) (\$202.5 million settlement); In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.) (Expert Committee) (approximately \$325 million settlement); In re MSG Antitrust Litigation, MDL No. 1328 (D. Minn.) (Co-Chair, Expert Committee) (\$123 million settlement); In re Automotive Paint Antitrust Litigation, MDL No. 1426 (E.D. Pa.) (Executive Committee) (\$105.75 million settlement); Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives & Composites, Inc. (Carbon Fibers), No. CV-99-07796 (C.D. Cal.) (Expert Committee) (\$68 million settlement); In re Polypropylene Carpet Antitrust Litigation, MDL No. 1075 (N.D. Ga.) (Co-Chair, Expert Committee) (approximately \$50 million settlement); In re Commercial Explosives Antitrust Litigation, MDL 1093 (D. Utah) (Co-Chair, Discovery Committee) (\$71 million settlement); United States v. Stolt-Nielsen, 524 F. Supp. 2d 586, 609 (E.D. Pa. 2007); and Love Terminal Partners, L.P. v. City of Dallas, Texas, 527 F. Supp. 2d 538 (N.D. Tex. 2007).

In recognition of Ms. Liebenberg's legal skills and accomplishments, she has received a number of awards and honors. For example, she is the recipient of the 2008 Sandra Day O'Connor Award by The Philadelphia Bar Association. Ms Liebenberg has been named as one

of the “Top Ten Super Lawyers” in Pennsylvania by *Philadelphia Magazine*, the only woman ever to receive that honor. In May 2007, she was named as one of the *National Law Journal*’s “50 Most Influential Women Lawyers in America.” Every year since 2004, Ms. Liebenberg has been recognized by *Philadelphia Magazine* as one of the “Top 50 Female Super Lawyers in Pennsylvania” and one of the “Top 100 Super Lawyers in Pennsylvania.” Ms. Liebenberg was named one of the “Women Leaders in the Profession” by The Legal Intelligencer. She was recognized as a leader in the field of “Class Actions.” Ms. Liebenberg is listed in the highest band-level as one of the leading antitrust lawyers in Pennsylvania by the *Chambers USA Client Guide: America’s Leading Business Lawyers*. The *Chambers Guide* states that she “always impresses with her deep knowledge, experience and vital understanding of the economic aspects of a case.” Since 2006, she has been listed in *Best Lawyers in America* in the field of Antitrust, and serves as a member of the Best Lawyers Advisory Board.

Donald L. Perelman, a member, is a graduate of the University of Michigan Law School (J.D. *magna cum laude*, 1980), and has extensive experience in the conduct of antitrust, class action and other complex litigation. Mr. Perelman is a senior member of the co-lead counsel team in the In re Urethane Antitrust Litigation (Polyether Polyols), MDL No. 1616 (D. Kan.). He served as a member of the Plaintiffs’ Executive Committee in the In re Linerboard Antitrust Litigation, 321 F. Supp. 2d 619 (E.D. Pa. 2004), and 2004 WL 1221350 (E.D. Pa. June 2, 2004). He was part of the core team that litigated this case until a settlement was reached in late 2003 resulting in a recovery for the class in excess of \$202 million. In the In re OSB Antitrust Litigation, Master File No. 06-826 (E.D. Pa.), which was settled shortly before trial for more than \$125 million, Mr. Perelman served as a member of the Plaintiffs’ Executive Committee and played an integral role in the factual and theoretical development of this complex conspiracy

case. In the In re Polypropylene Carpet Antitrust Litigation, MDL No. 1075 (N.D. Ga.), he was a key member of the team that defeated defendants' summary judgment and Daubert motions. Mr. Perelman is currently a member of the Executive Committee in the In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation, MDL No. 1720 (E.D.N.Y.). He also served as Co-Discovery Chair in the Commercial Explosives Antitrust Litigation, MDL 1093 (D. Utah), and he was principally responsible for the management of the discovery programs in Lawrence v. Phillip Morris, Civ. 94-1494 (E.D.N.Y.) and Transamerican v. Dravo, Civ. H-88-789 (S.D.N.Y.).

Jeffrey S. Istvan, a member, received his law degree from the University of Virginia School of Law in 1992, where he was a Hardy Cross Dillard Scholar. He received his undergraduate education at the University of Rochester, from which he graduated *summa cum laude* and was elected to Phi Beta Kappa. He clerked for The Honorable Robert S. Gawthrop, III, United States District Court for the Eastern District of Pennsylvania (1992-93), before joining Fine, Kaplan and Black, R.P.C. in October 1993.

Mr. Istvan has had wide-ranging experience in many complex cases, including antitrust, securities fraud, RICO, legal malpractice, corporate mismanagement, consumer protection, commercial and civil rights cases. Mr. Istvan has been named a Pennsylvania Super Lawyer by *Philadelphia Magazine*.

In recent years, Mr. Istvan has served as lead or co-lead counsel in several class actions resulting in excellent – and sometimes unprecedented – recoveries for the class. He was Lead Counsel in Parsky v. First Union Corp., No. 771, Feb. Term 2001 (C.C.P. Phila. Cty.), which in the fall of 2003 resulted in a recovery of more than \$23 million for a class of trust customers of a bank. He was Co-Lead counsel in In re Remeron Antitrust Litigation, No. 02-cv-2007 (D.N.J.),

in which a \$36 million dollar settlement for end users of a prescription drug was approved by the court in the fall of 2005. He was counsel for the plaintiff class of indirect purchasers of TriCor® and other prescription drugs containing fenofibrate in In re TriCor Indirect Purchasers Antitrust Litigation, Civil Action No. 05-360 (SLR) (D. Del.), which settled for \$65.7 million. He was one of the principal counsel to a group of large purchasers of copper in In re Copper Antitrust Litigation, 436 F.3d 782 (7th Cir. Feb. 6, 2006), in which the Seventh Circuit reversed the district court's entry of summary judgment, and following intense discovery, defendant JP Morgan Chase settled on confidential terms that were very favorable to Mr. Istvan's clients. Mr. Istvan was co-lead counsel in Terrapin Express, Inc. v. Airborne Express, Inc., No. 11-199-01536-05 (AAA 2007) in which a panel of AAA arbitrators approved a \$24.75 million dollar settlement in favor of a class of independent contractors who were allegedly underpaid by defendant DHL. That settlement is believed to be the largest class action settlement in AAA arbitration. Mr. Istvan presently is an active member of the co-lead counsel team in Standard Iron Works v. ArcelorMittal, 2009 WL 1657449 (N.D. Ill. June 12, 2009), and is co-lead counsel for the plaintiff class of indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

Gerard A. Dever, a member, received his law degree from Temple University School of Law in 2000, from which he graduated *magna cum laude*. He received his undergraduate education at American University from which he graduated *cum laude*. Prior to joining Fine, Kaplan and Black, R.P.C. in January 2002, he was an associate at Pepper Hamilton LLP. Ever since 2005, Mr. Dever has been named a "Rising Star" in *Philadelphia Magazine* recognizing top lawyers under 40. The *Chambers USA Client Guide* described him as "a strong attorney with excellent analytical abilities."

Mr. Dever has represented both plaintiffs and defendants in antitrust matters, including class actions, criminal matters and merger reviews. In addition, Mr. Dever has litigated a variety of other cases in both federal and state courts, including contract disputes, legal malpractice matters and consumer class actions. Mr. Dever served as trial counsel in United States v. Stolt-Nielsen, S.A., et al., a complex criminal matter in which the firm successfully represented an executive charged with criminal antitrust violations. The charges were dismissed after a three-week bench trial. Mr. Dever also serves as co-lead counsel for the plaintiff class in In re Urethane Antitrust Litigation (Polyether Polyols), 251 F.R.D. 629 (D. Kan. 2008).

Paul Costa, a member, received his undergraduate degree from the University of Pennsylvania, where he graduated *cum laude*. He received his law degree from Georgetown University Law Center, where he graduated *magna cum laude* and was elected to the Order of the Coif. Following law school, he worked as an associate in the Washington, D.C. offices of Akin, Gump, Strauss, Hauer & Feld, L.L.P. Prior to joining Fine, Kaplan and Black, R.P.C. in October 2004, he served as a law clerk to the Honorable Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania. Since 2007, Mr. Costa has been named a "Pennsylvania Rising Star" by *Philadelphia Magazine* in an annual listing of the top young lawyers in Pennsylvania.

Mr. Costa has represented plaintiffs and defendants in complex matters in federal and state courts and in arbitration. His practice focuses on antitrust, breach of contract, and consumer class actions. He has extensive experience in all aspects of commercial litigation, including new matter investigations, document discovery, depositions, and, like many of the firm's attorneys, he has authored numerous prevailing briefs during nearly every stage of litigation. Mr. Costa also is one of the principal attorneys representing a plaintiff class of

indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

Matthew H. Duncan, a member, received his law degree from the University of Pennsylvania Law School in 2003, from which he graduated *cum laude*, and won the Dolores Sloviter Award for best paper in the field of judicial administration. He received his undergraduate degree from Bucknell University in 1996 with a degree in Civil Engineering. Prior to joining Fine, Kaplan and Black, R.P.C., Mr. Duncan served as a law clerk to the Honorable Anthony J. Scirica, Chief Judge of the United States Court of Appeals for the Third Circuit. Mr. Duncan's practice focuses on antitrust and other complex litigation, as well as representing children pro bono in family court proceedings. He is an elected member of the American Law Institute.

Mary L. Russell, an associate, received her law degree *cum laude* from Georgetown University Law Center, where she was an editor of the American Criminal Law Review. She was a United States Senate staff person before obtaining her law degree. She received her undergraduate education at Kalamazoo College, where she was a Stone Honor Scholarship recipient. She was previously associated with Winthrop, Stimson, Putman & Roberts in New York City and Ballard, Spahr, Andrews & Ingersoll in Philadelphia, and was Of Counsel at Liebenberg & White.

Ria C. Momblanco, an associate, received her law degree from the University of Pennsylvania Law School in 2002, where she was a senior editor and the technology editor for the Law Review. She received her undergraduate degree in chemical engineering from the University of California, Los Angeles. She is admitted to practice before the U.S. Patent and Trademark Office as well as in Pennsylvania and California. Prior to joining Fine, Kaplan and

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Adam J. Pessin, an associate, received his law degree from the University of Pennsylvania Law School *magna cum laude* in 2003, where he was research assistant for Professor Stephen Burbank, teaching assistant for Judge Alison Whitmer Tumas, and an editor of the Law Review. He received an undergraduate degree in English from Yale with distinction in 1996, and a diploma in Hebrew and Jewish studies from Oxford University in 1997. Prior to joining Fine, Kaplan and Black in 2007, Adam clerked for The Honorable Maryanne Trump Barry of the United States Court of Appeals for the Third Circuit and was an associate at Patterson, Belknap, Webb and Tyler in New York City.

Elise E. Singer, of counsel, is an experienced antitrust class action and commercial litigator. Ms. Singer graduated from the University of Chicago (with honors), the University of Michigan (*cum laude*), and practiced for many years as a litigation partner at a large firm based in Philadelphia.

Louis Ricciardi, of counsel, is experienced in all aspects of complex and class action litigation. Mr. Ricciardi received his undergraduate degree in Economics from LaSalle University and his law degree from Georgetown University Law Center. Since 1998, he has focused almost exclusively on antitrust and consumer class actions, and has worked extensively with Fine, Kaplan and Black on matters pending in both state and federal court.

We invite you to learn more about Fine, Kaplan and Black on our website (www.finekaplan.com) or by contacting us at (215) 567-6565.