

# **EXHIBIT C**

*Firm Resumé*

*of*

**COHEN & MALAD, LLP**

**ONE INDIANA SQUARE, SUITE 1400**

**INDIANAPOLIS, INDIANA 46204**

**(317) 636-6481**

**(317) 636-2593 FAX**

**[www.cohenandmalad.com](http://www.cohenandmalad.com)**

## *FIRM PROFILE*

Cohen & Malad, LLP was founded in 1968 by the late John J. Dillon, former Attorney General of Indiana, the late Louis F. Cohen and Virginia Dill McCarty, former United States Attorney for the Southern District of Indiana. Cohen & Malad provides its clients with diverse litigation services, including a substantial Class Action practice group with over 75 years of combined class action experience. The firm enjoys an excellent reputation as one of Indiana's leading class action law firms. Over the last twenty years, Cohen & Malad has served as class counsel in numerous state, national, and international cases. The firm has successfully litigated a wide range of matters, from representing aggrieved plaintiffs in regional consumer fraud actions, to serving on the executive committees in multi-district and international litigation, including *In re: Holocaust Victim Assets Litigation* and *In re Bridgestone/Firestone, Inc., ATX, ATX II and Wilderness Tires Products Liability Litigation*. Cohen & Malad possesses extensive resources, in part through its established relationships with many of the country's leading class action law firms, to vigorously prosecute class action cases of any scale.

## *CASE PROFILES*

### Human Rights Cases

- *In re: Holocaust Victim Assets Litigation*, United States District Court, Eastern District of New York. Cohen & Malad was one of ten firms in the United States selected to serve on the Executive Committee in the prosecution of a world-wide class action against three major Swiss banks to recover assets from the Nazi era. This litigation resulted in a \$1.25 billion settlement in favor of Holocaust survivors.
- *Kor v. Bayer AG*, U.S. District Court, Southern District of Indiana. An action against an international pharmaceutical company for participating in medical experiments upon concentration camp inmates during the World War II. This action was resolved as part of a \$5 billion settlement negotiated under the auspices of the governments of the United States and Germany which is known as the *Foundation for Remembrance, Responsibility and the Future*.
- *Vogel v. Degussa AG*, United States District Court, District of New Jersey. An action against a German industrial enterprise for enslaving concentration camp inmates during World War II for commercial benefit. This action also was resolved in connection with the *Foundation for Remembrance, Responsibility and the Future*. Cohen and Malad also actively participated in other cases litigated in federal and state courts in New Jersey, New York and California involving, *inter alia*, slave and forced labor, and claims against major German corporations and financial institutions based upon their wrongdoing during the Nazi era, which were resolved through the *Foundation*.

## Consumer Protection Cases

- ***In re: 2005 United States Grand Prix, United States District Court for the Southern District of Indiana***, Case No.: 1:05-00914-SEB-VSS. Cohen and Malad is serving as Vice Chair of Executive Committee in this international class action seeking damages on behalf of people who traveled from around the world to see the United States Grand Prix in Indianapolis, in which only 6 of the promised 20 drivers participated. Cohen and Malad seeks recovery, on behalf of a class, of ticket costs, travel, lodging and meal expenses, and punitive damages.
- ***Colon v. Trinity Homes, LLC and Beazer Homes Investment Corp.*** Case No. 29D02-0404-PL-374, Hamilton County Indiana, Superior Court No. 2, Civil Division. Class counsel in statewide settlement providing for remediation of mold and moisture problems in over 2,000 homes under an agreed remediation protocol, together with independent supervision by a professional engineer selected by class counsel, under court ordered deadlines, with extended warranties and certificates of completion to be issued to each homeowner by the independent engineer, all subject to a dispute resolution panel composed of three engineers authorized to order compliance with all required remediation. Settlement valued at over \$24 million.
- ***General Repair Servs. of Central Ind., Inc. v. Soff-Cut Int'l, Inc.*** Case No. 49D03-0109-CP-1464, Marion County Indiana, Superior Court, Civil Division, Room No. 3. The Court certified a nationwide class under the federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, and appointed Cohen & Malad, LLP as class counsel. Following certification, the parties entered into nationwide settlement providing class members with benefits worth over \$1.5 million.
- ***Turner v. Louisiana Pacific Corporation and C.P. Morgan Communities, LP.*** Case No. 29D01 –2028-PL-582, Hamilton County, Indiana Superior Court. Appointed Lead Counsel in state-wide class action challenging defective exterior siding products installed upon homes in central Indiana. After class certification, parties reached settlement that provides for cash payments to homeowners based on amount of siding and damage to homes.
- ***Littell et al. v. Tele-Communications, Inc. (AT&T) et al.***, Morgan County, Indiana, Superior Court. Lead counsel in nationwide class action challenging late fee charges imposed by cable television companies. The total value of the nationwide settlement exceeded \$106 million.

- ***Bridgestone/Firestone, Inc., ATX, ATX II and Wilderness Tires Products Liability Litigation***, MDL No. 1373, Master File No. IP00-9373-C-B/S, United States District Court, Southern District of Indiana. Court-appointed Liaison Counsel and Executive Committee Member in consolidated litigation involving international distribution of defective tires.
- ***Tuck v. Whirlpool et al.***, Cause No. 49C01-0111-CP-002701, Marion County, Indiana, Circuit Court. Appointed Class Counsel in nation wide class action resulting in settlement fund in excess of \$7 million relating to defective microwave hoods.
- ***Hackbarth et al. v. Carnival Cruise Lines***, Circuit Court of Dade County, Florida. Counsel in nationwide action challenging cruise lines' practices in billing customers for "port charges," which was settled through the issuance of vouchers with a face value of approximately \$20 million which could be applied to reduce customers' fares or redeemed for cash payments.
- ***Sherwood v. Coca-Cola Bottling***, Cause No. 49D05-0005-CT-000689, Marion County, Indiana, Superior Court. Class Counsel in contaminated product class action. Case was settled with protocol of cash payments to Class members depending on their health reactions to the contaminated product.
- ***David Campbell v. Macey & Chern***, Case No. 00 C 0819 B/S, United States District Court for the Southern District of Indiana. Class Counsel in action challenging improper billing and collection of attorneys' fees from Chapter 7 bankruptcy debtors. Common fund settlement provided for refunds in the hundreds of dollars to individual bankruptcy debtors.
- ***Wittry v. Merrill Lynch Credit Corp.***, Case No. 49D05-0304-PL-000716, Marion County, Indiana, Superior Court. Counsel for class in action challenging documentation fees charged in connection with mortgages closed in Indiana. Settled.
- ***Kamala M. Thomason v. Aman Collection Services, Inc.***, Case No. IP 99-0881, United States District Court for the Northern District of Indiana. Class Counsel in a case arising under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* Settlement provided for payment of cash or credit to Class members, injunction against illegal practice, and *cy pres* award to Legal Services Organization of Indiana.

- ***Baker v. Hubler Ford Center, Inc. d/b/a Hubler Ford Lincoln Mercury***, Cause No. 73C01-0005-CT-14, Shelby County, Indiana, Circuit Court. Appointed Class Counsel on behalf of a certified class of customers alleging forgery, fraud, constructive fraud and Consumer Protection Act violations by car dealership in connection with the sale and lease of automobiles. Settlement provided each class member with \$5,000 to \$8,000 in benefits payable from a common fund.
- ***Kenro, Inc. v. APO Health, Inc.***, Cause No. 49D12-0101-CP-000016, Marion County, Indiana, Superior Court. Appointed Class Counsel on behalf of certified Plaintiff Class alleging violations of the Federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227.
- ***James H. Young v. Core Funding Group, LLC***, Cause No. 49D12-0104-CP-0631, Marion County, Indiana, Superior Court. Appointed Class Counsel on behalf of certified Plaintiff Class alleging violations of the Federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Successfully defended class certification and \$250,000 judgment on appeal in reported decision, 792 N.E.2d 547 (Ind. Ct. App. 2003).
- ***Shilesh Chaturvedi v. JTH Tax, Inc. d/b/a Liberty Tax Service***, Case No. GD-01-008851, Court of Common Pleas, Allegheny County, Pennsylvania. Class Counsel in case arising under Federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Settlement provides class members with benefits worth \$45 million.
- ***JRA Corporation, d/b/a A & A Tire & Service v. Yellow Page Publishers, Inc. d/b/a Smart Pages***, Cause No. 49D10-0108-CP-001259, Marion County, Indiana, Superior Court. Appointed Class Counsel for plaintiff class of advertisers certified under Ind. Trial Rule 23(B)(1) and (B)(2) in action alleging breach of contract, unjust enrichment and fraud for defendant's failure to fully distribute "yellow page" directories.

### Health Care /Insurance Cases

- ***In re Indiana Construction Industry Trust***, Marion County, Indiana, Circuit Court. Recovered approximately \$7 million for enrollees of an insolvent health benefits provider from Indiana and surrounding states.
- ***Davis v. National Foundation Life Insurance Co.***, Jay County, Indiana, Circuit Court. After certifying a statewide class comprised of all insureds who were denied health insurance benefits as a result of National Foundations' inclusion and enforcement of pre-existing condition exclusionary riders in violation of Indiana law, the court approved a settlement that created a common fund representing over 85% of the wrongfully denied benefits.

- ***Griffin v. Indiana Comprehensive Health Insurance Assn.*** Marion County, Indiana, Superior Court. Class certified under Rule 23(B)(2) in action that obtained a rollback on artificially inflated health insurance premiums for high-risk consumers.
- ***Lawson v. American Community Mutual Insurance Co.***, United States District Court, Southern District of Indiana. Class counsel in action challenging denial of claims for diabetes-related health care service and supplies. Settlement provides for payment of such claims.
- ***James C. Sell et al. v. CIGNA Corp. et al.***, Case No. CIV 94-0432 PHX-RCB, United States District Court, District of Arizona. Firm served as co-lead counsel for statewide Class in action challenging non-disclosure of discounts on healthcare charges which forced insureds to pay excessive co-payments. Settlement involved discontinuance of the challenged practice and refunds to class members.
- ***Woolbert v. Sandoz Pharmaceuticals, Inc.*** An Indiana Trial Rule 23(B)(3) class action against a pharmaceutical company that unlawfully tied its prescription drug to a costly and unnecessary blood test. Settlement in conjunction with action brought by attorneys general.
- ***Lewis v. Anthem et al.***, Class Counsel in action challenging Anthem's practice of direct payment of health insurance benefits to patients in violation of physicians' assignments of benefits.
- ***In re: Fiorini Investment Sales Litigation***, Counsel for defendant in four class actions filed in Ohio and Kentucky relative to insurance/annuity policies.
- ***Follett v. Freedom Life Insurance Company***, Vigo County, Indiana, Superior Court. Statewide class action challenging illegal denial of health insurance benefits based on pre-existing exclusions. Settlement provides for creation of common fund representing over 85% of the wrongfully denied benefits.

### Securities Fraud Cases

- ***Grant et al. v. Arthur Andersen et al.*** Maricopa County, Arizona, Superior Court. Appointed lead counsel in securities fraud class action arising from the collapse of the Baptist Foundation of Arizona, involving losses of approximately \$560,000,000.00. Settlement of \$237 million.
- ***In re: Brightpoint Securities Litigation***, United States District Court, Southern District of Indiana. Class Counsel in securities fraud action that resulted in a \$5.25 million settlement for shareholders.

- ***City of Austin Police Retirement System v. ITT Educational Services, Inc., et al.***, United States District Court, Southern District of Indiana. Appointed co-lead counsel in securities fraud class action alleging misrepresentations by defendant and certain principals concerning enrollment and graduate placement, and a failure to disclose multiple federal investigations into defendant's operations and records.
- ***Beeson and Gregory v. PBC et al.***, United States District Court, Southern District of Indiana. A nationwide securities fraud class action with ancillary proceedings in the District of Connecticut, and the Southern District of Florida. Multi-million dollar settlement that returned 100% of losses to investors.
- ***In re: Prudential Energy Income Securities Litigation***, United States District Court, Eastern District of Louisiana. Counsel for objectors opposing a \$37 million class action settlement. Objection successfully led to an improved \$120 million settlement for 130,000 class members.
- ***In re: PSI Merger Shareholder Litigation***, United State District Court, Southern District of Indiana. Obtained an injunction to require proper disclosure to shareholders in merger of Public Service Indiana Energy, Inc. and Cincinnati Gas & Electric.
- ***Dudley v. Ski World, Inc.***, United States District Court, Southern District of Indiana. Class counsel for a plaintiff Class comprised of over 5,000 investors in Ski World stock in a securities fraud action. Multi-million dollar settlement.
- ***Stein v. Marshall***, United States District Court for the District of Arizona. Class action involving the initial public offering of Residential Resources, Inc., in which the firm served on the counsel committee in negotiated nationwide settlement on behalf of investors.
- ***Dominijanni v. Omni Capital Group, Ltd. et al.***, United States District Court, Southern District of Florida. Co-lead counsel in securities fraud class action. Nationwide settlement on behalf of investors.
- ***Warkel, et al. v. Cummins Engine Company et al.***, United States District Court, Southern District of Indiana. Nationwide securities fraud class action in which Cohen & Malad was co-lead counsel. Settled for \$5.5 million after favorable ruling upon appeal to the United States Court of Appeals for the Seventh Circuit.
- ***Slate v. Standard Management Corporation***, United States District Court, Southern District of Indiana. Counsel for defendants in nationwide Rule 10b-5 class action.



## Anti-Trust Cases

- *In re Bromine Antitrust Litigation*, United States District Court for the Southern District of Indiana, Case No.: IP 99-9310-C-B/S; MDL No. 1310. Cohen & Malad acted as Liaison Counsel for the class. Cohen & Malad argued the class certification petition resulting in certification as ordered by Judge Barker on September 28, 2001. The action was ultimately settled with cash of \$6,625,000 and certificates redeemable as cash to purchase the chemicals subject to the alleged price-fixing valued at \$2,550,000. Value of the settlement was found to be \$9.175 Million.

### Antitrust Cases

- *Blades v. Monsanto*, United States District Court, Southern District of Illinois. Discovery committee/plaintiffs' counsel in the antitrust litigation relating to bioengineered corn seed.
- *Bromine Antitrust Litigation*, United States District Court, Southern District of Indiana. Plaintiffs' liaison counsel in nationwide antitrust class action. Settlement of more than \$9 million.

### Other Class Action Cases

- *Roquil, Inc. v. The Indiana State Lottery Commission et al.*, United States District Court, Southern District of Indiana. A Trial Rule 23(B)(2) class action in which the State Lottery Commission was permanently enjoined from arranging secret, one-sided lottery game incentives and as a result of which the Commission's administrative rules were amended.
- *Stephens v. American Cyanamid Company*, Parke County, Indiana, Circuit Court. Cohen & Malad served as lead plaintiff class counsel in obtaining certification of a multi-state class in state court action involving thousands of farmers who suffered losses as a result of the persistence of a herbicide. Case settled following Indiana Court of Appeals decision upholding class certification.
- *In re: The Chubb Corporation Drought Litigation*, United States District Court, Southern District of Ohio. A multi-state fraud case in which Cohen & Malad, served as plaintiffs' liaison counsel on behalf of thousands of farmers throughout the Midwest. Settlement of over \$40 million.