

## **Exhibit 6**

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

IN RE MUTUAL FUNDS INVESTMENT LITIGATION
This Document Relates To: Columbia Subtrack

MDL 1586

Case No. 04-md-15863

**AFFIDAVIT OF NICHOLAS E. CHIMICLES  
IN SUPPORT OF JOINT PETITION FOR ATTORNEYS'  
FEES AND REIMBURSEMENT OF EXPENSES FILED ON BEHALF OF  
CHIMICLES & TIKELLIS LLP**

COMMONWEALTH OF PENNSYLVANIA :  
: cc.  
COUNTY OF MONTGOMERY :

Nicholas E. Chimicles, being first duly sworn, deposes and says:

I am a partner of the law firm of Chimicles & Tikellis LLP. I submit this affidavit in support of my firm's application for an award of attorneys' fees in connection with services rendered in this case from inception through July 31, 2010 (the "Time Period"), as well as the reimbursement of expenses incurred by my firm in connection with this litigation.

1. Chimicles & Tikellis acted as counsel for plaintiffs in the Columbia derivative action (the "Action"), as well a member of the derivative executive committee. In that capacity, we were responsible for, *inter alia*: (i) researching and drafting the derivative consolidated amended complaint; (ii) briefing omnibus motions to dismiss; (iii) serving as a liaison with our firm's clients in the Columbia subtrack; (viii) formulating settlement strategies; and (ix) preparing omnibus settlement documents and briefs in support of the motion for preliminary and final judicial approval of the settlement.

2. The schedule attached hereto as Exhibit 1 is a summary indicating the amount of time spent by each attorney and paralegal of Chimicles & Tikellis who was involved in this litigation during the Time Period, and the lodestar calculation based on my firm's current billing rates. This summary includes time spent specifically on work undertaken in this Action, but does not include any work performed specifically in connection with other coordinated derivative actions. This summary also includes a proportionate share of the work performed by my firm in connection with common issues in all the coordinated derivative actions (such as the omnibus brief addressing common issues raised by defendants' motions to dismiss). Time spent on common work has been allocated in proportion to the work performed in the specific actions to avoid duplicate charges, and none of the proportionate time charges have been billed to more than one consolidated derivative action. For attorneys and paralegals who are no longer employed by my firm, the lodestar calculation is based upon the billing rates for such attorneys and paralegals in his or her final year of employment by my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

3. The hourly rates for the attorneys and paralegals of Chimicles & Tikellis included in Exhibit 1 are the same as the regular current rates charged for their services in non-contingent matters and/or which have been accepted in other securities or shareholder litigation.

4. The total number of hours expended on this litigation by Chimicles & Tikellis during the Time Period is 351.75 hours. The total lodestar for my firm is \$146,102.50, consisting of \$134,065.00 for attorneys' time and \$12,037.50 for paralegals' time.

5. Chimicles & Tikellis's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expenses items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.


6. As detailed in Exhibit 2, Chimicles & Tikellis has incurred a total of \$2,672.20 in unreimbursed expenses in connection with the prosecution of this litigation during the Time Period. This amount includes expenses incurred specifically in this Action (such as deposition transcript charges), but does not include any expenses incurred specifically in connection with other coordinated derivative actions. This amount also includes a proportionate share of the common expenses incurred by my firm in all the coordinated derivative actions (such as the costs incurred to attend hearings on omnibus issues raised by defendants' motions to dismiss). The common expenses have been allocated in proportion to the work performed in each of the coordinated actions to avoid duplicate charges, and none of the proportionate charges have been billed to more than one consolidated derivative action.

7. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

8. With respect to the standing of my firm, attached hereto as Exhibit 3 is a resume for my firm and the attorneys in Chimicles & Tikellis who were principally involved in this litigation.

  
NICHOLAS E. CHIMICLES

Sworn to and subscribed before me  
B day of September, 2010.



NOTARY PUBLIC  
COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
DONNA M. WARD, Notary Public  
Lower Merion Twp., Montgomery County  
My Commission Expires July 6, 2013

Exhibit 1

In re Mutual Funds Investment Litigation – Columbia Subtrack

Chimicles & Tikellis LLP

LODESTAR REPORT: Inception through July 31, 2010

Name	Total Hrs.	Hourly Rate	Total Lodestar
<b>PARTNERS:</b>			
Chimicles, Nicholas E.	25.25	\$850.00	\$21,887.50
Gottsch, Michael D.*	6.00	700.00	4,200.00
<b>ATTORNEYS:</b>			
Schwartzman, Denise D.	40.75	\$600.00	\$24,450.00
Geyelin, Anthony A.	9.50	460.00	4,370.00
Hegedus, Candice L.H.*	6.00	430.00	2,580.00
Mathews, Timothy N.	165.50	400.00	66,200.00
Johns, Benjamin F.	22.75	350.00	7,962.50
<b>FINANCIAL SPECIALIST</b>			
Chimicles, Kathleen P.*	5.75	420.00	\$2,415.00
<b>PROFESSIONAL SUPPORT STAFF</b>			
Aldinger, Cathy A.*	42.75	\$195.00	\$8,336.25
Purcell, Andrew W.*	16.75	155.00	\$2,596.25
Kramer, Brent*	5.75	140.00	805.00
Miller, Max*	5.00	60.00	300.00
<b>TOTALS:</b>	<b>351.75</b>		<b>\$146,102.50</b>

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\* These individuals are former employees of Chimicles & Tikellis LLP.

Exhibit 2

In re Mutual Funds Investment Litigation – Columbia Subtrack

Chimicles & Tikellis LLP

EXPENSE REPORT: Inception through July 31, 2010

<b>DESCRIPTION</b>	<b>CUMULATIVE TOTAL</b>
Assessments	\$185.00
Internal Reproduction/Copies	\$387.84
Computer Research	\$1,383.21
Telephone/Fax/Email	\$30.75
Express Mail/Messenger	\$363.14
Expert Witness Fees	\$48.56
Travel/Food/Lodging	\$225.66
Clerical Overtime	\$8.60
Other (website and website material, service of complaints)	\$39.44
<b>TOTAL EXPENSES</b>	<b>\$2,672.20</b>

Exhibit 3

In re Mutual Funds Investment Litigation – Columbia Subtrack

Chimicles & Tikellis LLP

FIRM BIOGRAPHY



Chimicles & Tikellis LLP  
Attorneys At Law

## Firm Resume

HAVERFORD, PA  
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Haverford, PA 19041  
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Fax: 610-649-3633

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222 Delaware Avenue  
Suite 1100  
Wilmington, DE 19899  
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# Contents

## OUR ATTORNEYS

### Partners

Nicholas E. Chimicles	3
Pamela S. Tikellis	8
Robert J. Kriner, Jr.	12
Steven A. Schwartz	15
Kimberly M. Donaldson	18
Joseph G. Sauder	21

### Of Counsel

Morris M. Shuster	23
Denise Davis Schwartzman	24
Anthony Allen Geyelin	25
David M. Maser	26

### Associates

Meghan A. Adams	27
Tiffany J. Cramer	27
Alison R. Gabe	28
Benjamin F. Johns	28
Kimberly Litman Kimmel	30
Timothy N. Mathews	32
A. Zachary Naylor	34
Kimberly A. Evans	36
Matthew D. Schelkopf	37
Scott M. Tucker	38

PRACTICE AREAS	40
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REPRESENTATIVE CASES	43
----------------------	----

## Our Attorneys-Partners



### Nicholas E. Chimicles

is senior partner and Chairman of the Firm's Executive Committee. Mr. Chimicles is a 1970 graduate of the University of Pennsylvania, where he received a Bachelor of Arts Degree with Honors. Mr. Chimicles graduated in 1973 from the University of Virginia School of Law, where he was a member of the Editorial Board of the University of Virginia Law Review and was the author of several published comments. While attending law school, he co-authored a course and study guide entitled "Student's Course Outline on Securities Regulation," published by the University of Virginia School of Law. Upon graduation from law school, Mr. Chimicles joined a major Philadelphia law firm where he practiced for eight years and specialized in litigation including complex commercial, antitrust and securities fraud cases and served as principal or assistant trial counsel in several matters.

Mr. Chimicles has actively prosecuted major complex litigation, antitrust, securities fraud and breach of fiduciary duty suits. Most recently, Mr. Chimicles was lead trial counsel for a Class of investors in a six-week jury trial of a securities fraud/breach of fiduciary duty case that resulted in a \$185 million verdict. *In re Real Estate Associates Limited Partnerships Litigation*, No. CV 98-7035 DDP, was tried in the federal district court in Los Angeles before the Honorable Dean D. Pregerson. On November 15, 2002, the 10 member jury returned a unanimous verdict in favor of the Class (comprising investors in the eight REAL Partnerships) and against the REALS' managing general partner, National Partnership Investments Company ("NAPICO") and the four individual officers and directors of NAPICO. The jury awarded more than \$25 million in damages against all five defendants on Count I, the Section 14(a), 1934 Act, proxy fraud claim and more than \$67 million in damages against NAPICO on Count II for breach of fiduciary duty. On November 19, 2002, the jury returned a verdict of \$92.5 million in punitive damages against NAPICO. This total verdict of \$185 million was among the "Top 10 Verdicts of 2002," as reported by the National Law Journal (verdictsearch.com). The Court upheld in all respects the jury's verdict on liability as to both Count I and Count II, upheld in full the jury's award of \$92.5 million in compensatory damages, upheld the Class's entitlement to punitive damages (but reduced those damages to \$2.6 million based on the application of California law to NAPICO's financial condition), and awarded an additional \$25 million in pre-judgment interest. Based on the Court's decisions on the post-trial motions, the judgment entered in favor of the Class on April 28, 2003 totaled over \$120 million, \$91 million on Count II and \$30 million on Count I.

# Our Attorneys-Partners

*Nicholas E. Chimicles cont.*

In 2006, Mr. Chimicles, as lead counsel, negotiated the settlement of the *CNL Hotels & Resorts, Inc. Securities Litigation*, Case No. 6:04-cv-1231 (M.D. Fla., Orl. Div). The case settled Sections 11 and 12 claims for \$35 million in cash and Section 14 proxy claims by significantly reducing the merger consideration (from \$300 million to \$73 million) that CNL paid for internalizing its advisor/manager.

In other federal securities fraud action, he served as a lead counsel in the *Hercules Securities Litigation*, Civil Action No. 90-442 (RRM) (D. Del.) (\$18 million recovery); *Scott Paper Securities Litigation*, Civil Action No. 90-6192 (E.D. Pa.) (\$8 million recovery); *Sunrise Savings & Loan Securities Litigation*, MDL No. 655 (E.D. Pa.) (\$15 million recovery); *Storage Technology Corp. Securities Litigation*, Master File No. 84-F-1981 (D. Colo.) (\$18 million recovery); *In re Fiddler's Woods Bondholders Litigation*, Civil Action No. 83-2340 (E.D. Pa.), a bondholders' class action arising out of a default on a \$33 million industrial development bond issue (recovery of more than \$7 million for the Class); and *Charter Securities Litigation*, Civil Action No. 84-448 Civ-J-12 (M.D. Fla.) (recovery of \$7.75 million); *Continental Illinois Corporation Securities Litigation*, Civil Action No. 82 C 4712 (N.D. Ill.) involving a twenty-week jury trial conducted by Mr. Chimicles that concluded in July, 1987 (the Class ultimately recovered nearly \$40 million).

Mr. Chimicles has been a principal counsel in several major litigations that have resulted in precedent-breaking recoveries for classes of limited partners. In addition to the *Real Estate Associates Limited Partnership Litigation*, discussed above, Mr. Chimicles was a member of the Executive Committee in the *Prudential Limited Partnerships Litigation*, MDL 1005 (S.D.N.Y.), where the Class recovered \$130 million in settlement from Prudential, and other defendants. Mr. Chimicles was lead counsel in the *PaineWebber Limited Partnerships Litigation*, 94 Civ. 8547 (S.D.N.Y.) in which a \$200 million settlement was approved in mid-1997. As co-lead counsel in several litigations involving ML-Lee Acquisition Fund, L.P., ML-Lee Acquisition Fund II, L.P. and ML-Lee Acquisition Fund (Retirement Accounts) II, L.P. (C.A. No. 92-60, 93-494, 94-422 and 95-724) that were prosecuted in the Delaware Federal District Court. Mr. Chimicles (together with partner Pamela Tikellis and financial specialist Kathleen Chimicles) negotiated settlements that resulted in more than \$30 million in cash and other benefits to be paid or made available to investors in the various funds. In litigation involving PLM Equipment Growth and Income Funds IV-VII, Mr. Chimicles (together with financial specialist Kathleen Chimicles) was instrumental in negotiating a settlement reached in 2001 that provided both monetary and equitable relief for the limited partners. In February 2002, the Superior Court of Marin County, California, approved the settlement of a case in which Mr. Chimicles was co-lead counsel, involving five public partnerships sponsored by Phoenix Leasing Incorporated and its affiliates and resulting in entry of a judgment in the amount of \$21 million. (*In Re Phoenix Leasing Incorporated Limited Partnership Litigation*, Superior Court of the State of California, County of Marin, Case No. 173739).

## Our Attorneys-Partners

*Nicholas E. Chimicles cont.*

Mr. Chimicles has represented limited partners who successfully have sought the liquidation of assets or the reorganization of the partnership. For example, in *In re the Mendik Real Estate Limited Partnership*, N.Y. Supreme Ct. No. 97-600185, Mr. Chimicles, as co-lead counsel, negotiated a settlement which provided for the prompt sale of more than \$100 million of the partnership's real estate assets. Additionally, as co-lead counsel, Mr. Chimicles, together with partner Pamela Tikellis, negotiated the settlement of a suit filed against the general partners of Aetna Real Estate Associates, L.P., providing for the orderly liquidation of the more than \$200 million in that partnership's real estate holdings, the reduction of general partner fees and the payment of a special cash distribution to the limited partners. (*Aetna Real Estate Associates, L.P., Area GP Corporation and Aetna/Area Corporation*, Delaware Chancery Court, New Castle County, Civil Action Nos. 15386-NC and 15393-NC).

Mr. Chimicles has also represented stockholders in suits arising from proposed mergers, acquisitions and hostile takeovers. For example, in *Garlands, Inc. Profit Sharing Plan et al. v. The Pillsbury Company, et al.*, State of Minnesota, County of Hennepin, Fourth Judicial District, Court File No. 88-17834, Mr. Chimicles was a lead counsel in a suit brought to compel Pillsbury's board of directors to negotiate in good faith with Grand Metropolitan and persuaded the court to enjoin a proposed spin-off of Burger King. Additionally, Mr. Chimicles has represented shareholders in obtaining enhanced consideration for their stock in takeovers or going private transactions. *Randee L. Shantzer, et al. v. Charter Medical Corp., et al.*, Court of Chancery, State of Delaware, New Castle County, Consolidated Civil Action No. 9530; *In re Interstate Bakeries Corporation Shareholders Litigation*, Court of Chancery, State of Delaware, New Castle County, Consolidate Civil Action No. 9263.

In the antitrust field, Mr. Chimicles has acted as a lead and co-lead counsel in numerous class suits. He was co-lead counsel in the *Travel Agency Commission Antitrust Litigation*, (D. Minn.) in which the Firm represented the American Society of Travel Agents, an Alexandria, Virginia-based association that represents more than 9,000 travel agencies nationwide and worldwide in a suit against seven airlines for Section 1 (Sherman Act) violations involving commission cuts. The case was settled in late 1996 for more than \$80 million. Mr. Chimicles was also co-lead counsel in the *Insurance Antitrust Litigation*, Case No. C-88-1688 (N.D. Calif.) which charged commercial general liability insurers, domestic and London-based reinsurers and an insurance service organization with violations of the Sherman and Clayton Acts. The case was settled after an earlier dismissal was reversed by the Ninth Circuit, a decision affirmed by the U.S. Supreme Court. *In re Insurance Antitrust Litigation*, 938 F.2d 919 (9th Cir. 1991); *aff'd sub nom. Hartford Fire Insurance Co. v. California*, 113 S.Ct. 2891 (1993).

As an appellate advocate, Mr. Chimicles has handled cases which have protected the rights of victims of securities fraud in bankruptcy proceedings. In cases that he successfully argued before the Courts of Appeals for the Tenth and Eleventh Cir-

## Our Attorneys-Partners

*Nicholas E. Chimicles cont.*

cuits, due process and notice principles were extended to protect securities purchasers filing claims in bankruptcy cases, *In re Standard Metals Corp.*, 817 F.2d 625 (10th Cir.), *rev'd in part on rehearing*, 839 F.2d 1383 (1987), and it was established that class proofs of claim are allowable in bankruptcy proceedings, *In re the Charter Company*, 876 F.2d 866 (11th Cir. 1989).

Mr. Chimicles has also actively prosecuted suits involving public utilities constructing nuclear plants. He was lead counsel in the *Philadelphia Electric Company Securities Litigation*, Master File No. 85-1878 (E.D. Pa.) and a lead counsel in the *Consumers Power Company Derivative Litigation*, Master File No. 84-CV-3788 AA (E.D. Mich.). Mr. Chimicles was co-lead counsel in the stockholder derivative suit arising from mismanagement claims against former officers of Philadelphia Electric Company involved in the closing of the Peach Bottom Nuclear Plant, a suit which Mr. Chimicles was authorized to bring by a PECO board of directors resolution. *In re Philadelphia Electric Company Derivative Litigation*, Case No. 7090, Court of Common Pleas, Philadelphia County, PA. That case resulted in a recovery of \$35 million for the utility company in November 1990.

Mr. Chimicles was also a co-lead counsel in a major environmental litigation, *Ashland Oil Spill Litigation*, Master File M-14670 (W.D. Pa.), involving the claims of residents and businesses for damage arising from the largest inland waterway oil spill in history that occurred on January 2, 1988 in Pittsburgh. In 1990, the case was settled upon creation of a claims fund of over \$30 million for the class. This and similar environmental suits in which the Firm was involved were the subject of a program, "Toxic Torts May Not Be Hazardous To Your Health: A Lawyer's Guide to Health Survival in Mass Tort Litigation," in which Mr. Chimicles was a principal speaker at this program which was held at the American Bar Association's 1989 Convention in Honolulu.

Mr. Chimicles has acted as special counsel for the City of Philadelphia and the Philadelphia Housing Authority in an action seeking to hold lead pigment manufacturers liable for federally mandated abatement of lead paint in properties owned, managed or operated by the plaintiffs. *City of Philadelphia, et al. v. Lead Industries Ass'n, et al.*, Civil Action No. 90-7064 (E.D. Pa.) and No. 92-1420 (3rd Cir.).

Mr. Chimicles is admitted to practice in the Supreme Court of the United States, numerous federal district and appellate courts, as well as the Supreme Court of Pennsylvania. Mr. Chimicles was appointed in 2008 to a 3-year term as a Hearing Committee Member of the Disciplinary Board of the Supreme Court of Pennsylvania. He is a member of the American Bar Association (Sections of Litigation; Antitrust; and Corporation, Banking and Business Law), the Pennsylvania Bar Association, and the Philadelphia Bar Association (Federal Courts Committee and various subcommittees). Mr. Chimicles has lectured frequently on securities law at the Rutgers University Law School Camden, the Wharton School Graduate Division of the University of Pennsylvania, New York University, the University of Virginia,

## Our Attorneys-Partners

*Nicholas E. Chimicles cont.*

and for Prentice Hall Law and Business Publications. Mr. Chimicles has addressed numerous law and accounting conferences, including ALI-ABA, Practising Law Institute, the Pennsylvania Bond Counsel Association and the Pennsylvania Institute of Public Accountants, and has also frequently appeared as a speaker in numerous state and national bar association sponsored seminars on topics involving federal securities laws, RICO, class actions, hostile corporate takeovers, and professional ethics. Mr. Chimicles also is a contributor to and member of the advisory boards of various professional publications involving the securities law field. Mr. Chimicles is a member of the Board of Overseers of the School of Arts and Sciences of the University of Pennsylvania. He is the past President of the National Association of Securities and Commercial Law Attorneys. Mr. Chimicles is the author of numerous articles including an article co-authored with the Firm's Financial Specialist, Kathleen P. Chimicles nee Balon, published in the *New York Law Journal*, August 26, 1993, entitled "A Realistic Assessment Of The Need For Securities Class Action Litigation Reform;" and *The Securities Case: The Plaintiff's Perspective*, co-authored with Ira N. Richards, published in the *Practical Litigator*, Vol. 6, No. 6 (Nov. 1995).





### Denise Davis Schwartzman

Of Counsel, is admitted to practice in Pennsylvania, Florida, Texas and the District of Columbia. She is admitted to practice before all the State Courts in these jurisdictions and is admitted to the United States Courts of Appeals for the Third, Fifth, Eleventh and District of Columbia Circuits as well as United States District Courts within each Circuit. Ms. Schwartzman is a graduate of the Law School of the University of Pennsylvania (L.L.B. 1969) and Temple University (A.B. 1966). She holds a Master of Laws in Taxation from the Villanova University Law School. Ms. Schwartzman has practiced extensively at the trial and appellate levels before Federal and State Courts and before various administrative agencies.

Ms. Schwartzman was appellate counsel on the brief in *In re Charter Company*, 876 F.2d 866 (11th Cir. 1989), a case which established that class proofs of claim are allowable in bankruptcy proceedings, served on the trial team in *Ashland Oil Spill Litigation*, Master file M-14670 (W.D. Pa) and represented our firm on the Litigation Committee in *Prudential Securities Incorporated Limited Partnership Litigation*, MDL 1005 (S.D.N.Y.). She serves on the committee of Plaintiffs Derivative Counsel in *In re Mutual Funds Investment Litigation*, MDL 1586 (D.Md.), and on the plaintiffs' trial team in *In re Park West Galleries, Inc. Marketing and Sales Practices Litigation*, 2-09-md-02076 (W.D. Wash.)

Ms. Schwartzman is past President of the Temple University College of Liberal Arts Alumni Board (2007-2008) and a former member of the Temple University Alumni Association Board of Directors.

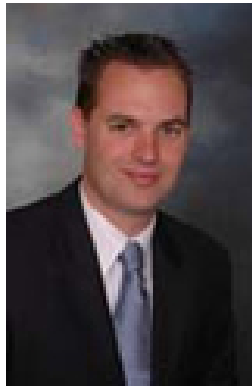


### Anthony Allen Geyelin

Of Counsel, is admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the Supreme Court of Pennsylvania.

Mr. Geyelin is a graduate of the University of Virginia (B.A. in English, 1968) and the Villanova University School of Law (J.D. 1974 *cum laude*), where he was a member of the Moot Court Board, an Associate Editor of the *Villanova Law Review*, and a recipient of the Obert Corporate Law Award. After graduation from law school Mr. Geyelin was an associate in the business department of a major Philadelphia law firm before accepting an appointment as Chief Counsel to the Pennsylvania Insurance Department in Harrisburg, an office he held from 1981 through 1983. Mr. Geyelin served as Pennsylvania's Acting Insurance Commissioner in 1983 and 1984. In 1985 Mr. Geyelin accepted the position as chief inside counsel for Academy Insurance Group, Inc. in Valley Forge, Pennsylvania and Atlanta, Georgia, serving as General Counsel and Secretary of the publicly traded holding company and its operating subsidiaries. In 1994 Mr. Geyelin was appointed Secretary and General Counsel of Penn-America Insurance Company in Hatboro, Pennsylvania, and in 1995 assumed the same offices with Penn-America Group, Inc., the publicly traded parent company. From 1997 until joining the Firm Mr. Geyelin was in private practice, concentrating on general business, insurance regulatory and litigation support matters.





## Benjamin F. Johns

an associate in the Haverford office, is admitted to practice before the Supreme Courts of Pennsylvania and New Jersey. His entire practice is devoted to litigation, with an emphasis on antitrust, securities, and consumer fraud class actions. Mr. Johns is a member of the Firm's Case Development Group, and is responsible for identifying and assessing potential new cases.

Mr. Johns has presented oral argument before the Judicial Panel on Multidistrict Litigation several times, and has also argued motions for class certification and summary judgment. In addition, Mr. Johns has assisted or is assisting in the prosecution of the following actions:

*Kurian v. County of Lancaster*, No. 2:07-cv-03482-PD (E.D.Pa.). Mr. Johns was the primary associate working on this civil rights lawsuit, which was filed on behalf of pre-trial detainees who were admitted to the Lancaster County Prison ("LCP"). The plaintiffs alleged that LCP had an unconstitutional practice or policy of strip searching all new commitments coming into the prison, without regard to whether reasonable suspicion for such a search existed. The district court granted final approval to a settlement valued up to \$2.5 million.

*Allison, et al. v. The GEO Group*, No. 2:08-cv-467-JD (E.D.Pa.). Mr. Johns was the primary associate working on this civil rights lawsuit against The GEO Group, Inc. ("GEO"), a private entity that contracts with state and local governments to administer correctional facilities. According to the complaint filed by C&T, GEO instituted an unconstitutional practice or policy of strip searching all new commitments to its correctional facilities, without regard to whether reasonable suspicion existed to justify such a search. On March 24, 2009, Judge DuBois issued an opinion and order denying a motion filed by GEO that sought to have the case dismissed. The district court has granted preliminary approval to a settlement valued up to \$2.9 million.

*In re In re Insurance Brokerage Antitrust Litigation*, No. 2:04-cv-05184-GEB-PS (D.N.J.). Mr. Johns provided substantial assistance in this antitrust case, which involves allegations of bid rigging and steering against numerous insurance brokers and insurers. The district court has granted final approval to settlements with an insurance broker and with insurers valued at approximately \$218 million.

*In re Heartland Payment Systems Inc. Customer Data Security Breach Litig.*, No. H-09-MD-02046 (S.D.Tx.). Mr. Johns is currently working on this case, which is related to a data breach at Heartland Payment Systems, Inc. The lawsuit seeks to represent a putative class of banks, credit unions, and financial institutions that

*Benjamin F. Johns, cont.*

have re-issued debit and credit cards, incurred unreimbursed fraudulent charges, or were otherwise injured as a result of the data breach. The firm has been appointed interim co-lead counsel.

*In re Recoton Sec. Litig.*, 6:03-cv-00734-JA-KRS (M.D.Fla.). Mr. Johns actively participated in this class action alleging violations of the Securities Exchange Act of 1934 against former officers and directors of a now-bankrupt company for allegedly making materially false and misleading statements regarding the accounting and management of its inventories. The court in this case approved an all-cash settlement of \$3 million.

Mr. Johns is a graduate of the Penn State Dickinson School of Law (J.D. 2005, *Woolsack Honor Society*), and the Penn State Harrisburg School of Business Administration (M.B.A. 2004, *Beta Gamma Sigma*). While attending law school, he was a member of the Irving R. Kaufman Securities Moot Court Team. Prior to law school, Mr. Johns attended Washington and Lee University (B.S. 2002, *cum laude*), where he played college basketball and spent a semester studying abroad in Osaka, Japan. Outside of the office, Mr. Johns has coached in the Narberth Basketball League for the past few summers. He is a member of the Philadelphia Bar Association, and the Antitrust Division of the American Bar Association. He was named a 2010 Pennsylvania "Rising Star."



## Timothy N. Mathews

an associate in the Haverford office, is a graduate of Rutgers School of Law-Camden (J.D. high honors 2003) and Rutgers University-Camden (B.A. highest honors 2000).

Mr. Mathews' practice includes the representation of investors in complex antitrust, securities, consumer fraud, ERISA, tax, and shareholder derivative litigation. In addition to broad experience prosecuting class and derivative actions in federal district courts around the country, Mr. Mathews has significant appellate experience in the United States Courts of Appeals for the Third and Ninth Circuits.

Mr. Mathews is an active member of the Firm's litigation team in *In re Mutual Funds Investment Litigation* (MDL 04-1586), a multidistrict litigation alleging claims related to late trading and market timing of mutual funds in eighteen mutual fund families and involving hundreds of parties, which has resulted in numerous settlements totaling over \$250 million.

In addition, Mr. Mathews has also had an active role in the following actions:

*Alberton v. Commonwealth Land Title Ins. Co.* - Mr. Mathews played a prominent role in successfully defeating motions to dismiss in this recently certified class action where Plaintiffs allege that Commonwealth Land Title Insurance Company and its agents overcharged homeowners for title insurance policies by failing to give refinance and reissue rate discounts as required by law.

*McWilliams v. Long Beach, Granados v. County of Los Angeles, Granados v. City of Los Angeles* - Mr. Mathews is one of the primary attorneys responsible for developing and prosecuting these consolidated cases challenging the imposition of a utility users tax on certain telephone service by the City and County of Los Angeles and the City of Long Beach, which are currently pending in the Superior Court of California.

*International Fibercom Insurance Actions* - Mr. Mathews has held a central role in prosecuting several related actions seeking to recover a securities fraud judgment from Fibercom's Director's and Officer's Liability insurers, including prosecuting an appeal in the Ninth Circuit and several actions and garnishment proceedings in the District of Arizona. The first layer carrier recently settled for the full balance of its policy limit.

*In re Live Concert Antitrust, MDL 1745* - Mr. Mathews has provided significant assistance to lead counsel in this recently certified class action alleging that Clear

## Our Attorneys-Associates

*Timothy N. Matthews, cont.*

Channel and its affiliates monopolized and attempted to monopolize the markets for live concerts and concert tickets by, inter alia, leveraging their position in radio markets to coerce performers to use their concert promotion services.

*In re natural Gas Commodity Litigation* - Mr. Mathews provided assistance to lead counsel in prosecuting this multidistrict litigation alleging manipulation of the price of natural gas futures contracts by dozens of large energy companies which has resulted in over \$100 million in settlements.

*CNL Hotels & Resorts Inc. Federal Securities Litigation* - Mr. Mathews assisted the partners in the prosecution of this class action asserting federal securities law claims on behalf of investors in a involving a \$3.0 Billion real estate investment trust which settled for \$35 million.

Mr. Mathews also directs the Summer Associate program for the Haverford office and coordinates the fall hiring process for the firm, as well as the firm's Drexel University Co-op program.

While attending law school, Mr. Mathews was a Teaching Assistant for the Legal Research and Writing Program and received the 1L Legal Writing Award. He was also Lead Marketing Editor of the *Rutgers Journal of Law & Religion* and one of the top 10 oralists in the 2003 Judge John R. Brown Admiralty Moot Court competition. During law school, Mr. Mathews also served as a research assistant to Professor Darren R. Latham and contributed research to *The Historical Amendability of the American Constitution: Speculations on an Empirical Problematic*, 55 Am. U.L. Rev. 145 (2005).

In 2008 Law & Politics and the publishers of Philadelphia Magazine selected Mr. Mathews as a Pennsylvania Rising Star, as listed in the "Pennsylvania Rising Stars Super Lawyers" publication. Only 2.5 percent of the total lawyers in Pennsylvania are listed in Rising Stars.

Mr. Mathews is admitted to practice before the Supreme Courts of Pennsylvania and New Jersey, the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey, and the United States Courts of Appeals for the Third and Ninth Circuits.

Mr. Mathews' pro bono work has included representation of the Holmesburg Fish and Game Protective Association in Philadelphia. He is also a member of the Delaware County Field and Stream Association.