

Egleston Law Firm

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FIRM RÉSUMÉ

The Egleston Law Firm (the “Firm”) is based in New York and litigates throughout the state of New York in both state and federal court and throughout the country. The founder of the firm, Gregory M. Egleston, has been engaged in the practice of law for more than thirteen years. The Firm concentrates in class action litigation on behalf of investors, consumers and small businesses. The Firm has broad experience in the following areas: Employee Retirement Income Security Act of 1974 (“ERISA”), securities and shareholder derivative actions, consumer fraud litigation and other types of complex litigation. Many of the Firm’s cases involve complex multi district litigation. The Firm is experienced in, and thoroughly familiar with, all aspects of complex litigation, including the underlying substantive law, the procedures recommended in the Manual for Complex Litigation and the substance and procedure of class certification.

Before starting the Firm, Mr. Egleston specialized in securities class action litigation shareholder derivative actions, and consumer fraud litigation at a prominent Manhattan plaintiffs’ class action firm. Mr. Egleston has worked on many high profile class actions such as: *In re Deutsche Telekom A.G. Sec. Litig.* (S.D.N.Y.) (\$120 million settlement fund); *In re Willbros Group, Inc. Sec. Litig.* (S.D. Tex.) (\$10.5 million settlement fund); *In re Lumenis Sec. Litig.* (S.D.N.Y.) (\$20.1 million settlement); *In re Royal Dutch/Shell Transport Sec. Litig.* (D.N.J.) (\$130 million settlement); *In re Marsh & McLennan Companies, Inc. Sec. Litig.* (\$400 million settlement); *Cheney v. Cyberguard Corp.* (S.D. Fla.) (\$10 million settlement); *In re United Global Comm., Inc. S’holders Litig.* (\$25 million recovery in going private transactions); *In re Cablevision Sys. Corp. S’holders Litig.* (blocked going private transaction

by controlling shareholder leading to payment of a dividend to shareholders worth approximately \$2.5 billion); *In re TASER Int'l Sec. Litig.* (D. Ariz.) (\$20 million recovery); *Rush v. Footstar, Inc.* (S.D.N.Y.) (\$19.3 million recovery); *In re Beazer Homes U.S.A., Inc. Sec. Litig.* (N.D. Ga.) (\$30.5 million); *In re TOUSA, Inc. Sec. Litig.* (S.D. Fla.) (securities class action); *In re BellSouth Corp. Sec. Litig.* (N.D. Ga.) (\$35 million recovery); *Barton v. Saab Cars of North America, Inc.* (N.J. Super. Ct.) (consumer class action -- settlement of \$4.25 million); *Artie's Auto Body, Inc. v. Hartford Fire Ins. Co.* (Conn. Super. Ct.) (consumer class action); *Tuchman v. Volvo Cars of North America, Inc.* (N.J. Super. Ct.) (settlement of more than \$30 million); and *In re Initial Public Offering Sec. Litig.* (S.D.N.Y.) (\$586 million settlement).

The Egleston Law Firm is also presently involved in several ERISA class actions such as: *Mark W. Mayer, et al. v. Administrative Committee of The Smurfit Stone Container Corp. Retirement Plans, et al.* (N.D. Ill.) (recently settled for \$7.75 million); *In re BP ERISA Litig.* (N.D. Tex.); *In re YRC Worldwide, Inc. ERISA Litig.* (D. Kan.); *In re Advanta Corp. ERISA Litig.* (E.D. Pa.); *Fulmer v. Klein, et al.* (D. Texas - Dallas Division) (appointed co lead counsel); *Lydia Loschiavo, et al. v. Fidelity Mgm't Trust Co. and Ernst & Young (Defendants) and The Lehman Brothers Savings Plan (Nominal Defendant)* (S.D.N.Y.) (*de facto* co-lead counsel); *Wanda Mimms v. PriceWaterhouseCoopers, LLP, et al. (Defendants) and The AIG Incentive Savings Plan (Nominal Defendant)* (S.D.N.Y.) (*de facto* co-lead counsel); *Stephen Patten v. Northern Trust Co., et al.* (N.D. Ill.); and *In re Terex Corp ERISA Litig.* (D. Conn.). Further, Mr. Egleston is involved in an ERISA action entitled *Delilah Morrison, et al. v. MoneyGram Int'l, Inc., et al.* (D. Minn.), which recently settled for \$4,500,000.

Mr. Egleston is also involved in a high profile landlord/tenant action entitled *Roberts v. Tishman Speyer, L.P., et al.*, Index No. 07600475 (N.Y. Sup. Ct.). The core legal issue is whether landlords could

permissibly deregulate and charge market rents for certain so called “luxury” apartment units in these complexes in years in which the landlords were simultaneously receiving tax abatements from New York City known as “J-51” benefits. The Court of Appeals ruled that the New York statutory scheme prevents landlords of rent stabilized buildings from charging market rents while receiving J-51 benefits for as long as they continue to receive those tax benefits.

The Firm is also involved in several Fair Labor Standard Act (“FLSA”) overtime class actions: *Winfield, et al. v. Citibank*, 10-cv-7304 (S.D.N.Y) (*de facto* co-lead counsel) and *Banks, et al. v. International Business Machine*, Civil Action No.: 10cv-01599 (N.D. Texas) (*de facto* co-lead counsel). The FLSA is the basis of all American worker’s overtime rights as well as the foundation upon which all state overtime laws are written. It was the first overtime act written back in 1938 and was updated in 2004. Originally drafted to establish a national minimum wage, the FLSA also guaranteed time overtime pay of 1 ½ times the standard pay rate for certain jobs. The workers in the jobs which were guaranteed overtime came to be known as non exempt workers. In a nutshell, workers who are paid hourly and less than double the minimum wage are those most likely to be covered (non exempt) under these laws. There are, however, some salaried employees, often mis-classified as exempt because of titles (such as Assistant Manager) who are really non exempt because they perform the same duties as other non exempt employees most of the time.

In addition, Mr. Egleston is also actively involved as “of counsel” in many high profile ERISA cases and is involved managing these cases as “of counsel” to Gainey & McKenna (“G&M”). For example, below are just a few ERISA cases that Mr. Egleston is actively involved in as “of counsel”:

- *Jones v. MEMC Electronic Materials, Inc.*, 08-cv-01991 (HEA) (E.D. Mo.) (acting as “of counsel” for G&M; G&M is *de facto* lead counsel and Mr. Egleston is involved in

- prosecuting every aspect of the litigation with G&M);
- *Russell v. Harman*, 07-cv-02212 (RWR) (D. Columbia) (acting as “of counsel” for G&M; G&M is *de facto* lead counsel and Mr. Egleston is involved in prosecuting every aspect of the litigation with G&M);
 - *In re Zimmer Holdings, Inc., Sec. Derivative & Employee Retirement Income Security Act (ERISA) Litig.*, 09-ML-0600-SEBDML (S.D. In.) (acting as “of counsel” for G&M; G&M is *de facto* lead counsel and Mr. Egleston is involved in prosecuting every aspect of the litigation with G&M);
 - *In re Popular ERISA Litig.*, 09-cv-1552 (D. Puerto Rico) (acting as “of counsel” for G&M; G&M is co-lead counsel and Mr. Egleston is involved in prosecuting every aspect of the litigation with G&M) (case recently settled for \$8.2 million);
 - *In re Satyam Computer Services Ltd., Sec. Litig.*, 09-MD-2027- BSJ (S.D.N.Y.) (acting as “of counsel” for G&M; G&M is counsel in the action and Mr. Egleston is involved in prosecuting every aspect of the litigation with G&M);
 - *Carr, et al. v. Int’l Game Tech., et al.*, 09-cv-00584) (acting as “of counsel” for G&M; G&M is co-lead counsel and Mr. Egleston is involved in prosecuting every aspect of the litigation with G&M);
 - *Lanfear v. Home Depot*, No. 1:07-cv-197-ODE (N.D. Ga.) (acting as “of counsel” for G&M; G&M is co-lead counsel and Mr. Egleston is jointly managing every aspect of the litigation with G&M);
 - *Dudenhoeffer v. Fifth Third Bancorp.*, 08-cv-538 (S.D. Ohio) (acting as “of counsel” for G&M; G&M is co-lead counsel and Mr. Egleston is involved in prosecuting every aspect

of the litigation with G&M);

- *In re ING Groep, N.C. ERISA Litig.*, 09-cv-00400-JEC (N.D. Ga.) (acting as “of counsel” for G&M; G&M is co-lead counsel and Mr. Egleston is involved in prosecuting every aspect of the litigation with G&M);
- *In re UBS ERISA Litig.*, 08-cv-6696 (S.D.N.Y.) (acting as “of counsel” for G&M; G&M is co-lead counsel and Mr. Egleston is involved in prosecuting every aspect of the litigation with G&M); and
- *In re Schering-Plough Corp Enhance ERISA Litig.*, 08-cv-1432 (DMC) (D.N.J.) (acting as “of counsel” for G&M; G&M is co-lead counsel and Mr. Egleston is involved in prosecuting every aspect of the litigation with G&M).

The Firm’s approach to each case is the same. It presents an aggressive position for its clients and uses all available resources necessary to achieve the best possible outcome for its clients. In short, the Firm works hard to win settlements for its clients and takes pride in providing a high level of legal service. It also develops a strong working relationship with its clients and will do whatever it takes within the bounds of the law to get results.

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