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Pomerantz Reaches Major Healthcare Settlement With Aetna

By Robert J. Axelrod

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Readers of the *Monitor* may recall our reports on our $250 million settlement with Health Net, followed by our $350 million settlement with United Healthcare. Both actions involved underpayments by health insurers of claims for out-of-network medical services based on miscalculations of "usual, customary and reasonable," or "UCR," rates. The $350 million settlement with United Healthcare represented the largest cash settlement of an ERISA healthcare class action ever.

We continued to pursue UCR claims against other healthcare insurers, and are now pleased to report that we have reached a settlement with Aetna, Inc. This settlement in *In re Aetna UCR Litigation*, pending in the District of New Jersey, will -- once it is approved by the Court -- result in the reimbursement, through three settlement funds Aetna will create, of up to $120 million to providers and plan members who were also subjected to out-of-network underpayments based on miscalculated UCR rates.

This settlement arises out of an action that alleged that Aetna used databases licensed from Ingenix, a wholly-owned subsidiary of United Healthcare, to set UCR rates for out-of-network services. We alleged the Ingenix databases were inherently flawed, statistically unreliable, and unable to establish proper UCR rates. Aetna, United Healthcare, and a number of other healthcare insurers had agreed to stop using the Ingenix databases pursuant to settlements with the New York Attorney General in 2009 simultaneous with Pomerantz's settlement with United Healthcare. The settlement involves Aetna's use of other non-Ingenix-based reimbursement mechanisms as well.

The Aetna settlement represents another successful milestone for Pomerantz's Insurance Practice Group, headed by Senior Partner D. Brian Hufford. Says Mr. Hufford, "We are excited about this latest success in forcing managed care companies to follow the law." Adds Partner Robert J. Axelrod: "This settlement provides an opportunity for providers to obtain reimbursement for monies taken by Aetna in the guise of usual, customary and reasonable payments. It brings to a successful close years of litigation on behalf of providers, for whom we have long fought against the largest health insurers in the country, including Aetna."

Pomerantz's Insurance Practice Group represents hospitals, provider practice groups and providers in litigation involving such issues as recoupments and offsets, internal medical necessity policies that are inconsistent with generally accepted standards, and misrepresentations of insurance coverage.

Companies Fight to Keep Their Political Contributions Secret

In the wake of the Supreme Court's 2010 *Citizens United* decision, which allowed corporations and unions to make unlimited expenditures for political purposes, a new battle has erupted to force companies to disclose these expenditures. Writing for the majority in that case, Justice Anthony Kennedy noted that prompt disclosure of political expenditures would allow stockholders and citizens to hold corporations accountable. Shareholders, he said, could determine whether the corporation's financing of campaigns "advances the corporation's interest in making profits." But in many, perhaps most

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cases, disclosure and accountability are the last things that corporate managers want.

Although dozens of major companies have voluntarily disclosed their political spending, most do not. Currently, the most common shareholder proposals submitted to public companies are those requesting information on political spending. Most, however, have not fared well. Many companies probably fear that revelation of their political expenditures would be an invitation to backlash from shareholders and others at the opposite end of the political spectrum.

Months ago the "Committee on Disclosure of Corporate Political Spending," headed by Professors Lucian Bebchuck of Harvard Law School and Robert M. Jackson of Columbia Law School, filed a rulemaking petition asking the SEC to adopt a disclosure rule for corporate political spending. Over 300,000 responses to this petition flooded the Commission, all but 10 of which supported it. The SEC recently announced that by April it plans to issue a Notice of Proposed Rulemaking to require disclosures of political spending.

The Committee said that one of the main reasons for its proposal is that a significant amount of corporate political spending currently occurs under investors' radar screen, particularly when public companies spend shareholder money on politics through intermediaries, who are never required to disclose the source of their funds. Investors clearly want to receive information about such spending.

While we await action by the Commission, one investor, the New York State Comptroller Thomas P. DiNapoli, has taken matters into his own hands. He controls the New York State Common Retirement Fund, which holds about $378 million in stock of Qualcomm, one of the country's largest makers of computer chips for mobile devices. After Qualcomm allegedly rebuffed his multiple requests for access to information on political spending, DiNapoli sued Qualcomm late last year in Delaware Chancery Court, seeking to allow him to review documents showing the company's political expenditures. Mr. DiNapoli is trying to determine whether Qualcomm made corporate contributions to tax-exempt groups and trade associations that are not required to disclose their donors. Those groups poured hundreds of millions of dollars into the 2012 election, including money from large corporations seeking to avoid negative publicity or customer outcries.

Although DiNapoli is a prominent Democratic politician, he cannot be accused of filing the petition for political purposes: Irwin Jacobs, Qualcomm's controlling shareholder, is a prominent contributor to Democratic candidates and causes.

Delaware, where Qualcomm is incorporated, has a statute that allows shareholders to gain access to corporate records, so long as they have a "proper purpose" for doing so. As we have noted previously in the *Monitor*, the question of what a shareholder has to show to establish a "proper purpose" has generated heated debate over the past few years, with corporations making some headway in raising the bar for shareholder access.

Typically, shareholders have tried to gain access to company books and records to determine whether wrongdoing has occurred, such as breach of fiduciary duties by directors or executives. It is a novel question whether discovery of political activities is a proper purpose. Even if it can be a proper purpose in some cases, such as if the expenditures create some risk for the corporation, the next question is whether the investor will have to show some reason to be concerned in a particular case. Otherwise, the courts may view his request as simply a "fishing expedition."

The Council of Institutional Investors, an association of pension funds, foundations and endowments, supports Comptroller Di Napoli's suit. Amy Borrus, deputy director of CII, reportedly has stated that the suit offers hope to investors stonewalled in their search for basic information about corporate political spending after *Citizens United*. "Shareholders have tried proxy proposals, and they've tried asking, but some companies are unfortunately resistant to providing basic disclosures," Borrus said Thursday. The present suit "certainly opens up a new avenue," she said.

If DiNapoli succeeds in obtaining this information, the next question will be whether he can publicly disclose it, allowing other shareholders and interested parties to weigh in on the appropriateness of the company's actions.

H. Adam Prussin

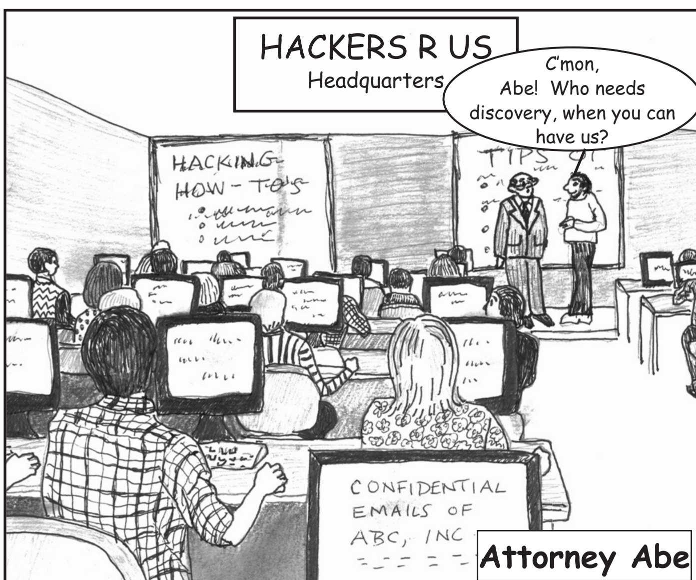
Our *Pain Therapeutics* Case Survives Motion To Dismiss

In a hard-won victory, Judge Sparks of the Western District of Texas recently denied defendants' motion to dismiss Pomerantz's second amended complaint in *Pain Therapeutics*. This case presented particular difficulty, because the Fifth Circuit has especially stringent standards for the substantiation of claims of "scienter," i.e., that defendants made false or misleading public statements with intent to commit fraud. Circumstantial evidence establishing that defendants should have known the true facts is not good enough.

Our original complaint alleged that Pain Therapeutics developed the drug, REMOXY, with King Pharmaceuticals ("King"), and submitted it to the FDA for approval in 2008. Pain Therapuetics received certain milestone payments and fees from King, which constituted its main source of revenue. The FDA denied the REMOXY application because of "stability" issues with the drug. After that rejection, Pain Therapeutics fired most of its employees, and King took over the process of resolving the issues and resubmitting REMOXY to the FDA. King provided Pain with quarterly reports, keeping Pain apprised of its progress. According to confidential witnesses, the companies disagreed vehemently regarding the proper way to test and resolve the stability issues. In December 2010, when defendants submitted REMOXY to the FDA for approval the second time, those stability issues had not been resolved. Nevertheless, defendants issued a series of misleading statements indicating to investors that the stability issues had been resolved. The truth came to light when the FDA denied REMOXY for the second time in June 2011, and Pain's stock plummeted.

In September 2011, Judge Sparks granted defendants' motion to dismiss our first amended complaint ("FAC"), finding that we had not created a compelling inference of scienter. Relying on Fifth Circuit law, the Court stated that plaintiff had failed to provide direct evidence of each individual defendant's specific knowledge of the persistent stability issues.

The Court allowed us to file an amended complaint, which we did, and defendants once again moved to dismiss it. This time, with the help of confidential witnesses, we were able to make specific allegations placing the individual defendants in the room with King at the very meetings at which we allege the stability issues were discussed. We also added allegations that two of the individual defendants gave presentations at conferences at which they implied that they had full knowledge of the process, and the status of the stability issues specifically. This time the Court held that we had successfully pleaded allegations that created a "strong inference" of scienter.



This win is all the more gratifying given that applicable 10(b) decisions in Texas are decidedly defendant-friendly. For example, most cases in that jurisdiction do not give much weight to confidential witness testimony. However, Judge Sparks noted that while "The Court is aware of its obligation to 'discount allegations from confidential sources' …discount does not mean disregard." The confidential witness testimony contained in the FAC painted a compelling circumstantial picture of defendants' scienter while the SAC added to those allegations with particularized facts showing each individual defendant's actual knowledge that the stability issues which had prevented the first FDA approval persisted in the second approval application. In accepting all the allegations in the SAC as true, and denying defendants' motion, the Court concluded that, "It is not yet this Court's obligation to conclusively determine what happened in this good drug-gone-bad story." Notably, Pfizer, which acquired King in 2011, has yet to resubmit REMOXY for approval.

Tamar A. Weinrib

Government Goes After Insider Trading

Whatever one thinks of the government's record in punishing Wall Street for fomenting the financial crisis, the success rate against insider trading has been strong. Ever since Preet Bahara was appointed U.S. Attorney for the Southern District of New York in 2009, he has focused heavily on insider trading cases. In a 2010 speech to a room jam-packed with white collar criminal defense attorneys, he declared that "unfortunately from what I can see, from my vantage point as the United States Attorney here, illegal insider trading is rampant."

The law imposes liability for insider trading on anyone who improperly obtains material non-public information and trades based on such information, and also holds liable any "tippee," the person with whom the "tipper" shares the information, as long as the tippee knows the information was obtained in breach of a duty to keep the information confidential or abstain from trading. Since the beginning of Bharara's tenure in 2009, his office has secured 69 convictions or guilty pleas of insider trading without losing a single case. Many of those cases were developed jointly or in parallel with the SEC, which has commenced over 200 enforcement actions of its

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own since 2009.

Critical to the prosecutors' unblemished record of securing insider trading convictions has been the aggressive use of wiretaps and of informants. Private plaintiffs contemplating insider trading lawsuits can benefit from the treasure-trove of incriminating evidence collected by the government that private parties cannot get themselves through the normal "discovery" process.

Of the 75 people recently charged by Bharara's office, until now the biggest fish caught were Raj Rajaratnam, a billionaire investor who once ran Galleon Group, one of the world's largest hedge funds, and Rajat Gupta, a former McKinsey chief and Goldman Sachs director who allegedly fed inside information to Rajaratnam.

Wiretaps were key to the case against Mr. Rajaratnam. The case broke when prosecutors, while investigating a hedge fund owned by Rajaratnam's brother Rengan, uncovered a slew of incriminating e-mails and instant messages between Raj and his brother, and wiretapped their conversations. In a call, Rengan told his brother about his efforts to extract confidential information from a friend who was a McKinsey consultant. Rengan referred to the consultant as "a little dirty" and touted that he "finally spilled his beans" by revealing non-public information about a corporate client. Other powerful evidence obtained from wiretapped calls was used to place Rajaratnam squarely in the forefront of the insider trading scheme: "I heard yesterday from somebody who's on the board of Goldman Sachs that they are going to lose $2 per share," Rajaratnam said to one of his employees ahead of the bank's earnings announcement.

Rajaratnam was found guilty on all 14 counts levied against him, and was sentenced to 11 years in prison and fined $10 million. It was the longest-ever prison sentence for insider trading, a watershed moment in the government's aggressive campaign to rout out the illegal exchange of confidential information on Wall Street. He is currently appealing his conviction to the Second Circuit.

Gupta, for his part, was accused of passing a flurry of illegal tips to Rajaratnam, including advance news that Warren Buffet was going to invest $5 billion in Goldman Sachs. Gupta received a two-year prison sentence and was ordered to pay $5 million in fines.

More recently, in what federal prosecutors describe as the most lucrative insider trading scheme, prosecutors and the SEC filed separate insider trading charges against Mathew Martoma, a portfolio manager at CR Intrinsic Investors. CR Intrinsic is an affiliate of SAC Capital Advisors, a $10 billion hedge fund founded by billionaire Steven Cohen, one of Wall Street's most successful and prominent investors.

Martoma is accused of illegally trading on confidential information ahead of a negative public announcement poised to disclose the results of a clinical trial for an Alzheimer's drug jointly developed by Elan Corporation and Wyeth Ltd. Armed with confidential information, Martoma allegedly emailed Cohen requesting that they speak ("Is there a good time to catch up with you this morning? It's important."). Martoma and Cohen subsequently spoke by phone for approximately 20 minutes. The next day, Cohen and Martoma instructed SAC's senior trader to quietly begin selling the Elan position. At day's end, the trader e-mailed Martoma that he had sold 1.5 million shares of Elan, and that "obviously no one knows except you me and [Cohen]." A few days later, the senior trader e-mailed Cohen the results of the week's activity: "We executed a sale of over 10.5 million ELN for [four internal Hedge Fund account names] at an avg price of 34.21. This was executed quietly and effectively over a 4 day period through algos and darkpools and booked into two firm accounts that have very limited viewing access. This process clearly stopped leakage of info from either in [or] outside the firm and in my viewpoint clearly saved us some slippage."

From one end of Wall Street to the other, people are wondering whether Martoma, facing the likelihood of serious jail time, will "flip" on Cohen, creating probably the most sensational insider trading case ever. There is no doubt that Martoma is facing intense pressure: reportedly, when confronted by an F.B.I. agent in his front yard, Martoma fainted. If Martoma is convicted of the charges, federal guidelines call for a stiff 15-19 year sentence. And, while no SEC charges have yet been brought against Cohen, the Commission recently issued a Wells notice to SAC Capital, indicating that the staff is probably going to recommend that the SEC take action against SAC.

Emma Gilmore

Are Shareholders Losing Control? Starbucks and Freeport-McMoRan

In merger transactions, we often hear that the resolution to every problem is simply to let shareholders decide. If they don't like the price, they can say no.

But what if they do not have the opportunity to decide? This often arises when public shareholders hold only a minority of the company's outstanding stock, while a small group of shareholders holds the controlling interest. Even if the con-

trolling group wants to accept a specific offer, the company still has an obligation to try to get the best deal possible, which often means seeking (or at least considering) competing bids.

Where the controlling shareholders want to accept a particular offer for the company, directors have been creative in trying to find ways to avoid seeking competitive bids. One way has been to drastically shorten the time between when the deal is signed and when the shareholders finally vote on it, to the point where there is not enough time for competing bids to emerge. While it takes weeks, at a minimum, to schedule a full shareholder vote, majority shareholders can execute written consents to the transaction almost immediately, making a full shareholder vote unnecessary, and making competitive bids virtually impossible.

In 2003, the Delaware Supreme Court held, in *Omnicare v. NCS Healthcare, Inc.*, that there are limits to the use of such strategies. There the majority shareholders agreed to vote in favor of the merger at the same time that the merger agreement was signed, and the agreement did not provide a "fiduciary out" allowing the board to back out of the merger if a superior bid was received. The court held that these agreements were coercive because they locked out any possibility of competitive bids. When the court enjoined the transaction, a far superior bid soon materialized.

But boards and bidders soon started finding ways around the *Omnicare* decision. In September 2011, the Delaware Court of Chancery, in a case involving the Openlane Corporation, legitimized a process called "sign-and-consent." In this process, the merger agreement was conditioned upon receipt of written consents from a majority of the stockholders within 24 hours, a period so short that there was not enough time for competing bids to come in, much less be considered. When the requisite consents were, in fact, received, the minority public shareholders had been effectively shut out of the process, as had any competing bids. But because the consents were not obtained before the merger agreement was signed, the court distinguished the *Omnicare* case, finding that the transaction was neither a "fait accompli" nor coercive.

This tactic was then used in the recent acquisition of Teavana by Starbucks. The merger agreement allowed an even smaller window in which Starbucks could terminate the deal if Teavana did not receive shareholder consent: until 6:00 a.m. the next morning after the deal was signed. This tiny window was even smaller than that in *Openlane*, but the court held that it was enough. On the same day the acquisition agreement was signed, the CEO/Chairman of the Board, together with three other shareholders representing 74 percent of Teavana's stock, executed a consent approving the merger. Teavana thus lost its right to terminate the agreement in favor of a higher bid, and the public shareholders had no say.

Another aspect of Delaware merger law is that if the transaction is for all cash, then no shareholder vote is required at all; and if stock is issued to fund the deal, a shareholder vote is required only if the acquirer's certificate of incorporation does not authorize enough shares to allow the issuance. Under the rules of NASDAQ and the New York Stock Exchange, if 20 percent or more of a company's shares are issued, a shareholder vote must be held. It is a simple matter to avoid a shareholder vote by structuring the deal to use more cash and less stock.

This is what Freeport-McMoRan Copper and Gold did in early December, issuing about 10 percent of its share capital to snap up two companies, Plains Exploration and Production and McMoRan Exploration Company. The shareholders were not pleased with this development – shares of Freeport dropped 16 percent in response to the acquisition announcement. But the shareholders will not have a chance to decide whether the acquisitions are in their best interests. Their only recourse will be to vote with their feet.

Laura M. Perrone

Most Expensive Cab Ride in History

It is a bizarre case ripped right out of the pages of "Bonfire of the Vanities." On December 22, 2011, William Bryan Jennings, a "master of the universe" who was the Americas co-head of fixed income and capital markets for Morgan Stanley, hosted a charity event in New York City. When his car service failed to show up to take him home to Darien, Connecticut, he hopped a yellow cab. According to Jennings' lawyer, the driver, while stopped in the driveway of Mr. Jennings' house, demanded $294 for the hour-long ride. Mr. Jennings took umbrage at the charge, which was roughly double what he was accustomed to paying.

What happened next is the subject of heated dispute. Jennings claimed that they argued after he refused to pay, and the cabbie locked the car doors and started to drive back to Manhattan, with Jennings still in the car. When Jennings demanded to be let out of the car, he removed a pen knife from his bag, just as the driver neared a Connecticut Turnpike on-ramp. After the driver supposedly grabbed the knife, injuring himself, Mr. Jennings was able to exit the car and run roughly a mile back to his house. The cabbie, on the other hand, claimed that Jennings stabbed him with the pen knife, while shouting racial epithets.

The Most Expensive Cab Ride
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The cabbie went to the hospital, received stitches in his hand, and then went to the police. He didn't know the passenger's name or address, but later, when the story was publicized, Jennings came forward and was arrested. Amid a media firestorm, Morgan Stanley told Jennings to take a leave of absence, and he fled Darien with his family to their home in Vermont.

The police charged Jennings with second degree assault. Months then went by.

The following October, 2012, Morgan Stanley fired Jennings, accusing him of breaching its code of conduct, apparently by embarrassing the company. Morgan Stanley's claw back provisions allow the company to withhold or seize pay from employees who inflict reputational harm as well as financial loss. Jennings said he was refused a deferred compensation payment in June and MS has frozen as much as $5 million or more.

MS is the only firm Jennings worked at since he graduated from Business School. Reportedly Jennings is negotiating with MS about his severance.

Two weeks after he was fired, the criminal charges against Jennings were dismissed. But the damage was already done.

H. Adam Prussin

notable dates

. . . on the Pomerantz horizon

Jan. 27-29: **Marc Gross** will speak at the National Conference on Public Employee Retirement Systems **(NCPERS)** Legislative Conference in Washington, DC. His topic is "*Morrison* and Recoveries of Damages Arising From Fraudulent Foreign Investments." **Cheryl Hamer** will also attend the conference.

Feb. 6-8: **Robert Axelrod** will attend and speak at the Investment Education Symposium of the Louisiana Trustee Education Council **(LATEC)**.

Feb. 6-7: **Cheryl Hamer** will attend the National Association of Public Pension Attorneys **(NAPPA)** Winter Seminar Meetings in Washington, DC.

March 3-6: **Jason Cowart** will be a panelist on Securities Litigation at the Texas Assocation of Public Employee Retirement Systems **(TEXPERS)** Annual Conference in Austin, Texas. **Cheryl Hamer** will also attend the conference.

March 13: **Jeremy Lieberman** will speak on Securities Litigation at the Annual Institutional Investment Conference in Tel Aviv, Israel.

April 11-12: **Marc Gross** will be a panelist on the "Causation and Reliance Panel" at the Institute for Law & Economic Policy's **(ILEP)** Conference on "The Economics of Aggregate Litigation" in Naples, Florida.

April 17: **Jeremy Lieberman** will speak on Securities Litigation at a Pomerantz-sponsored conference in Geneva, Switzerland.

Cheryl D. Hamer

Marc I. Gross

Jeremy A. Lieberman

Robert J. Axelrod

Jason S. Cowart

PomTrack© Class Actions Update

Pomerantz, through its proprietary PomTrack© system, monitors client portfolios to identify potential claims for securities fraud, and to identify and evaluate clients' potential participation in class action settlements.

NEW CASES:

A selection of recently filed securities class action cases filed by various law firms are listed below. If you believe your fund is affected by any of these cases, contact Pomerantz for a consultation.

Case Name	TICKER	Class Period	Lead Plaintiff Deadline
Tennessee Commerce Bancorp, Inc.	TNCC	April 18, 2008 to September 13, 2012	January 2, 2013
Blyth, Inc.	BTH	March 14, 2012 to November 6, 2012	January 14, 2013
Abiomed, Ind.	ABMD	August 5, 2011 to October 31, 2012	January 15, 2013
Hi-Crush Partners LP	ACLP	re August 16, 2012 IPO	January 21, 2013
SinoHub, Inc.	SIHI	May 17, 2010 to August 21, 2012	January 21, 2013
Align Technology, Inc. (2012)	ALGN	April 23, 2012 to October 17, 2012	January 28, 2013
Zillow, Inc.	Z	February 15, 2012 to November 6, 2012	January 28, 2013
KIT Digital, Inc.	KITD	May 19, 2009 to November 21, 2012	January 29, 2013
SandRidge Energy, Inc.	SD	February 24, 2011 to November 8, 2012	February 4, 2013
St. Jude Medical, Inc. (2012)	STJ	October 17, 2012 to November 20, 2012	February 5, 2013
Neptune Technologies & Bioresources Inc.	NEPT	December 12, 2011 to November 8, 2012	February 18, 2013
Qiao Xing Mobile Communication Co. Ltd.	QXMCF	September 10, 2010 to May 2, 2012	February 18, 2013
Elan Corporation, plc (2012)	ELN	July 21, 2008 to July 29, 2008	February 19, 2013
Groupon, Inc.	GRPN	May 14, 2012 to November 8, 2012	February 19, 2013
CommonWealth REIT	CWH	January 10, 2012 to August 8, 2012	February 25, 2013
ISIS Pharmaceuticals, Inc.	ISIS	March 29, 2012 to October 15, 2012	February 26, 2013
Silvercorp Metals, Inc.	SVM	June 24, 2010 to September 13, 2011	March 1, 2013
Electronic Game Card, Inc. (2013)	EGMIQ	April 5, 2007 to February 19, 2010	March 5, 2013
Longwei Petroleum Investment Holdings Ltd	LPH	May 17, 2010 to January 3, 2013	March 5, 2013
VeriSign, Inc. (2013)	VRSN	June 25, 2012 to October 25, 2012	March 15, 2013
TierOne Corporation (2013) (KPMG LLP)	TONE	March 13, 2009 to May 14, 2010	March 18, 2013
magicJac VocalTec Ltd.	CALL	February 28, 2012 to January 8, 2013	March 19, 2013
Tellabs, Inc. (2013)	TLAB	October 26, 2010 to April 26, 2011	March 25, 2013
Yum! Brands, Inc.	YUM	October 9, 2012 to January 7, 2012	March 25, 2013
BP p.l.c. (2012) (Netherlands)	BP	January 16, 2007 to July 15, 2010	March 31, 2013

SETTLEMENTS:

The following class action settlements were recently announced. If you purchased securities during the listed class period, you may be eligible to participate in the recovery.

Case Name	Amount	Class Period	Claim Filing Deadline
Constar International, Inc.	$23,500,000	November 14, 2002 to Sept. 5, 2003	January 3, 2013
MannKind Corp.	$23,027,778	May 4, 2010 to February 11, 2011	January 4, 2013
Tronox, Inc.	$37,000,000	Nov. 21, 2005 to January 12, 2009	January 7, 2013
Citigroup Mortgage Loan Trust, Inc.	$24,975,000	January 1, 2007 to Oct. 31, 2007	January 10, 2013
Bernard L. Madoff Investment Securities LLC (2009) (S.D.N.Y.) (Union Bancaire Privee)	$6,900,000	December 11, 2008	January 14, 2013
IndyMac Bancorp, Inc. (2008)	$6,500,000	March 1, 2007 to May 12, 2008	January 18, 2013
Pharmacia Corp.	$164,000,000	April 17, 2000 to August 5, 2001	January 28, 2013
Bernard L. Madoff Investm't Securities LLC (2008) (S.D.N.Y.) (Beacon Associates LLC I and II)	$219,857,694		January 14, 2013
Orient Paper, Inc.	$2,000,000	March 27, 2009 to August 13, 2010	January 30, 2013
Citigroup, Inc. (2007)	$590,000,000	February 26, 2007 to April 18, 2008	February 7, 2013
MBIA, Inc. (2005)	$3,750,000	August 5, 2003 to March 30, 2006	February 23, 2013
Smart Online, Inc.	$636,000	May 2, 2005 to September 28, 2007	February 25, 2013
Nighthawk Radiology Holdings, Inc. (2009)	$650,000	May 2, 2007 to May 7, 2008	February 28, 2013
Renal Care Group, Inc.	$4,000,000	May 4, 2005 to March 31 2006	March 4, 2013
Wyeth (2007)	$67,500,000	June 26, 2006 to July 24, 2007	March 7, 2013
Gammon Gold Inc. (Canada)	$13,338,377	October 10, 2006 to August 10, 2007	March 13, 2013
Green Bankshares, Inc. (2010)	$1,750,000	January 19, 2010 to November 9, 2010	March 13, 2013
EnergySolutions, Inc. (2009)	$26,000,000	November 14, 2007 to Oct. 14, 2008	March 14, 2013
Northwest Pipe Company	$12,500,000	April 2, 2007 to December 22, 2011	March 15, 2013
WaMu Mortgage Pass-Through Certificates	$26,000,000	August 1, 2008	March 18, 2013
iStar Financial Inc.	$29,000,000	December 6, 2007 to March 6, 2008	March 19, 2013
Thornburg Mortgage Home Loans, Inc. (Mortgage Pass-Through Certificates)	$11,250,000	June 1, 2006 to December 10, 2010	March 26, 2013
Converium Holding AG (Netherlands)	$58,400,000	January 7, 2002 to September 2, 2004	April 11, 2013
Bernard L. Madoff Investm't Securities LLC (2008) (S.D.N.Y.) (Greenwich/Fairfield)	$50,250,000	December 10, 2008	April 17, 2013
Bank of America Corp. (2009)(S.D.N.Y.)(Equity)	$2,425,000,000	September 18, 2008 to January 21, 2009	April 25, 2013
HQ Sustainable Maritime Industries, Inc.	$2,750,000	May 12, 2009 to April 1, 2011	April 30, 2013

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The Law Firm Institutional Investors Trust
for Securities Monitoring and Litigation

Pomerantz is acknowledged as one of the premier firms in the areas of corporate, securities, antitrust, mergers and acquisitions, and insurance litigation. Founded by the late Abraham L. Pomerantz, known as the 'dean of the class action bar,' the firm pioneered the field of securities class actions. Today, more than 75 years later, Pomerantz continues in the tradition that Abe Pomerantz established, fighting for the rights of victims of securities fraud, breaches of fiduciary duty, and corporate misconduct. Prior results, however, do not guarantee a similar outcome in future cases.

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