

EXHIBIT

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Markovits, Stock & DeMarco, LLC is a boutique law firm whose attorneys have successfully represented clients in some of the largest and most complex legal matters in U.S. history. Our deep and varied experience extends from representing businesses, public pension funds, and individuals in federal and state courts across the nation, to successfully arguing appeals at the highest levels of the legal system – including prevailing before the United States Supreme Court. This broad-based litigation and trial expertise, coupled with no overstaffing and overbilling that can typify complex litigation, sets us apart as a law firm.

General Business Litigation

The lawyers at Markovits, Stock & DeMarco have earned their reputations as being among the best litigators in America. Our litigation team includes seasoned trial attorneys – including the Hamilton County Prosecutor, a National Trial Attorney of the Year recipient, a recipient of the Best Lawyers in America designation and a multiple recipient of the Ohio Super Lawyers designation, as well as an OSBA certified appellate specialist – a formidable and collaborative collection of talents whose substantive experience in the legal, strategic and practical issues serves clients well in the face of the challenges that modern complex commercial litigation invariably presents.

We have been able to leverage this breadth of talent and experience to create individualized, unique case strategies for complex case management with the goal of reducing litigation risks and enhancing the probability of successful outcomes. In addition, we have developed and successfully deployed unique case management tools to accommodate large discovery, document management and trial demands. Each of these characteristics – experience, innovation and dogged hard work – has been a critical component to our success in the commercial litigation field.

Representative cases include:

- *Arthur Anderson LLP v. Carlisle*, 556 U.S. 624, 129 S.Ct. 1896 (2009): In a case involving allegations of a fraudulent tax shelter and accounting and legal malpractice, the Supreme Court of the United States resolved the issue of the rights of non-parties to arbitration clauses to enforce them against parties, which had divided the circuits.
- *Procter & Gamble Co. v. Haugen*, 427 F.3d 727 (10th Cir. 2005): The United States Court of Appeals for the Tenth Circuit reversed the district court's dismissal of Procter & Gamble's Lanham Act claims, paving the way for a \$19.25 million jury verdict in its favor.
- *Procter & Gamble v. Amway Litigation*, United States District Court, Southern District of Texas, at Houston; United States District Court, District of Utah, at Salt Lake City
- *United States ex rel. Brooks v. Pineville Hospital*, United States District Court, Eastern District of Kentucky



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- Procter & Gamble v. Bankers' Trust Litigation, United States District Court, Southern District of Ohio
- United States ex rel. Watt v. Fluor Daniel, United States District Court, Southern District of Ohio
- Forsyth v. Humana, United States District Court, District of Nevada
- In Re Choice Care Litigation, United States District Court, Southern District of Ohio, Western Division

Antitrust Litigation

The lawyers at Markovits, Stock & DeMarco have successfully litigated a wide range of antitrust matters, including monopolization, price-fixing, Robinson-Patman and other illegal restraints of trade.

Bill Markovits heads the antitrust practice at Markovits, Stock & DeMarco. His antitrust experience began over thirty years ago, when he started as a trial attorney with the Antitrust Division of the United States Department of Justice. Since leaving the government for private practice, he has continued to be involved in significant antitrust cases throughout the years, including the ChoiceCare litigation in the Southern District of Ohio, which resulted in a jury verdict of over \$100 million. In the national Microsoft MDL, Bill was chosen among his peer plaintiff attorneys to take the deposition of Bill Gates. Bill taught antitrust law for two years at the University of Cincinnati School of Law, and has been a presenter at numerous antitrust symposia, including a keynote presentation at the National Health Care Antitrust conference, and more recently a presentation at the Great Lakes Antitrust Institute. Bill is currently and has in the past been a designated "Best Lawyer in America" in the fields of antitrust and commercial litigation.

The breadth and depth of our antitrust experience is certainly unique among boutique law firms.

Representative cases include:

- Williams v. Duke Energy, Case No.: 1:08-CV-00046 (S.D. Ohio). Representing class of energy consumers against energy provider in complex antitrust and RICO class action.
- Williams v. Duke Energy International, Inc., 681 F.3d 788 (6th Cir. 2012): In a case brought as a class action by a utility's ratepayers for selective payment of illegal rebates to certain ratepayers, the United States Court of Appeals for the Sixth Circuit reversed a district court's dismissal of the excluded ratepayers' claims that the utility violated the RICO statute, the Robinson-Patman Act, and the state corrupt practices act.
- In Re Microsoft Corporation Antitrust Litigation (District of Maryland) (Co-Chair)
- In Re Commercial Explosives Antitrust Litigation (Multi-District Litigation)
- In Re Vitamins Antitrust Litigation, Procter & Gamble Company, et al. v. BASF Aktiengesellschaft, et al. (District of Columbia)

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Markovits, Stock & DeMarco
Attorneys & Counselors At Law

Class Action/Multi-District Litigation

Class actions and Multi-District Litigation matters are among the most complicated lawsuits filed. They have their own unique set of rules, procedures and rhythms – and clients should be wary of entrusting their cases to lawyers who cannot demonstrate a substantial breadth of experience in prosecuting and/or defending such lawsuits. The attorneys at Markovits, Stock & DeMarco have decades of successfully representing classes of business, pension funds and individuals in connection with bet-the-company class action/MDL lawsuits.

Representative cases include:

- In Re Fannie Mae Securities Litigation, U.S. District Court, District of Columbia, Consolidated Civil Action No. 04-cv-01639. The Ohio Attorney General appointed Markovits, Stock & DeMarco to serve as Lead Counsel for Lead Plaintiffs Ohio Public Employees Retirement System and State Teachers Retirement System of Ohio and the class in this securities fraud class action against Fannie Mae, three former senior officers of Fannie Mae, and KMPG (Fannie’s former auditor).
- Ohio Public Employees Retirement System v. Freddie Mac, et al., Case No. 4:08CV0160, U.S. District Court, Northern District of Ohio. The Ohio Attorney General appointed Markovits, Stock & DeMarco to serve as Co-Lead Counsel for Lead Plaintiff Ohio Public Employees Retirement System in this securities class action. This case arises out of Defendants’ misrepresentations and reckless conduct during the class period concerning Freddie Mac’s subprime investments. Without public disclosure, Defendants are alleged to have repeatedly violated Freddie Mac’s own underwriting guidelines and had virtually no responsible credit management or fraud detection in loans, leading to billions of dollars of losses for the company and the appointment of a Conservator for Freddie Mac. Defendants’ motions to dismiss were denied and discovery is now being conducted.
- In Re Choice Care Litigation, United States District Court, Southern District of Ohio, Western Division. Bill Markovits of MSD served as one of the lead trial attorneys for a class of Ohio physicians in a securities fraud, antitrust and RICO class action litigation. Through Mr. Markovits’s efforts, a jury awarded his clients’ over \$100 million.
- In re Mutual Funds Investment Litigation (Putnam Track), Case Nos. 1:04-cv-15863-JFM and 1:04-cv-00560-JFM, U.S. District Court, District of Maryland. After reassignment from Milberg Weiss in June 2006, while at WSBC, the lawyers at MSD represented the Ohio Tuition Trust Authority and the class in litigation against Putnam Investments, Prudential Securities, Inc. and Banc of America Securities regarding the “market timing” of Putman mutual fund transactions. The parties settled the case in 2010.



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- In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation, United States District Court, Central District of California
- In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010, United States District Court, Eastern District of Louisiana
- In re Silicone Gel Breast Implant Litigation, United States District Court, Northern District of Alabama, MDL #926
- In re Diet Drugs (Fen/Phen) Products Liability Litigation, United States District Court, Eastern District of Pennsylvania
- In re Rezulin (Diabetes Drug) Products Liability Litigation, United States District Court, Southern District of New York
- In re Meridia (Diet Drug) Products Liability Litigation, United States District Court, Northern District of Ohio
- In re Copley Pharmaceuticals, Inc., “Albuterol” Products Liability Litigation, MDL #1013, United States District Court, District of Wyoming
- In re Zyprexa Products Liability Litigation, MDL 1596, United States District Court, Eastern District of New York

Securities Litigation

The attorneys at Markovits, Stock and DeMarco have been at the forefront of some of the largest securities litigation matters in US History. Our demonstrated success in this field starts with our attorneys, who have unmatched experience in securities fraud class action and other complex securities litigation. The lawyers at MSD have been uniquely successful in prosecuting some of the largest, most complex securities litigation matters in history.

Representative cases include:

- In Re Fannie Mae Securities Litigation, U.S. District Court, District of Columbia, Consolidated Civil Action No. 04-cv-01639. The Ohio Attorney General appointed Markovits, Stock & DeMarco to serve as Lead Counsel for Lead Plaintiffs Ohio Public Employees Retirement System and State Teachers Retirement System of Ohio and the class in this securities fraud class action against Fannie Mae, three former senior officers of Fannie Mae, and KMPG (Fannie’s former auditor).
- Ohio Public Employees Retirement System v. Freddie Mac, et al., Case No. 4:08CV0160, U.S. District Court, Northern District of Ohio. The Ohio Attorney General appointed Markovits, Stock & DeMarco to serve as Co-Lead Counsel for Lead Plaintiff Ohio Public Employees Retirement System in this securities class action. This case arises out of Defendants’ misrepresentations and reckless conduct during the class period concerning Freddie Mac’s subprime investments.

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Without public disclosure, Defendants are alleged to have repeatedly violated Freddie Mac's own underwriting guidelines and had virtually no responsible credit management or fraud detection in loans, leading to billions of dollars of losses for the company and the appointment of a Conservator for Freddie Mac. Defendants' motions to dismiss were denied and discovery is now being conducted.

- In *Re Choice Care Litigation*, United States District Court, Southern District of Ohio, Western Division. Bill Markovits of MSD served as one of the lead trial attorneys for a class of Ohio physicians in a securities fraud, antitrust and RICO class action litigation. Through Mr. Markovits's efforts, a jury awarded his clients' over \$100 million.
- In *re Mutual Funds Investment Litigation (Putnam Track)*, Case Nos. 1:04-cv-15863-JFM and 1:04-cv-00560-JFM, U.S. District Court, District of Maryland. After reassignment from Milberg Weiss in June 2006, Louise M. Roselle represented the Ohio Tuition Trust Authority and the class in litigation against Putnam Investments, Prudential Securities, Inc. and Banc of America Securities regarding the "market timing" of Putman mutual fund transactions. The parties settled the case in 2010.

Appeals

The attorneys at Markovits, Stock & DeMarco have a substantial body of experience in the deeply specialized field of appellate practice. MSD's appellate experience includes successful appeals experience before the US Supreme Court – a fact underscored by having obtained a rare summary reversal at the US Supreme Court – as well as almost every federal circuit and appellate court within the United States.

MSD attorneys advise clients on all issues related to appellate practice. Our appellate lawyers, who include an Ohio State Bar Association certified appellate law specialist as well as a former clerk to the Supreme Court of Ohio, handle appeals in every substantive and procedural area of civil law. From preservation of error at the trial level to post-trial motion practice and appeals of right and discretionary review at the Supreme Court level, we recognize that appellate issues present unique challenges and require the special experience that our attorneys possess.

Representative cases include:

- *Mitchell v. Esparza*, Case No. 02-1369 (United States Supreme Court). Obtained summary reversal of Sixth Circuit decision on Eighth Amendment capital sentencing issue.
- *Cleveland Bar Association v. CompManagement, Inc.*, Case No. 04-0817 (Ohio Supreme Court). Represented the State of Ohio as amicus in landmark workers' compensation lawsuit.



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- *Arthur Anderson LLP v. Carlisle*, 556 U.S. 624, 129 S.Ct. 1896 (2009): In a case involving allegations of a fraudulent tax shelter and accounting and legal malpractice, the Supreme Court of the United States resolved the issue of the rights of non-parties to arbitration clauses to enforce them against parties, which had divided the circuits.
- *Williams v. Duke Energy International, Inc.*, 681 F.3d 788 (6th Cir. 2012): In a case brought as a class action by a utility's ratepayers for selective payment of illegal rebates to certain ratepayers, the United States Court of Appeals for the Sixth Circuit reversed a district court's dismissal of the excluded ratepayers' claims that the utility violated the RICO statute, the Robinson-Patman Act, and the state corrupt practices act.
- *State of Ohio ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, 113 Ohio St.3d 410, 865 N.E.2d 1289 (2007): The Supreme Court of Ohio upheld the appellate court's issuance of the extremely rare writ of procedendo commanding the trial judge to proceed with a trial on claims he mistakenly believed the previous jury had resolved.
- *Chesher v. Neyer*, 477 F.3d 784 (6th Cir. 2007): The Sixth Circuit affirmed the district court's rejection of qualified immunity defenses raised by the Hamilton County (Ohio) coroner, his chief deputy, the coroner's administrative aide, a staff pathologist, and a pathology fellow in connection with the Hamilton County Morgue photo scandal.
- *State of Ohio ex rel. CNG Fin'l Corp. v. Nadel*, 111 Ohio St.3d 149, 855 N.E.2d 473 (2006): The Supreme Court of Ohio affirmed the appellate court's refusal to issue a writ of procedendo commanding the trial judge to halt injunctive proceedings and decide an arbitration issue.
- *Smith v. North American Stainless, L.P.*, 158 Fed.Appx. 699 (6th Cir. 2006): Rejecting a steel manufacturer's "up-the-ladder" immunity defense, the United States Court of Appeals for the Sixth Circuit reversed the district court's dismissal of a wrongful claim brought by the widow and estate of a steel worker killed on the job.
- *Procter & Gamble Co. v. Haugen*, 427 F.3d 727 (10th Cir. 2005): The United States Court of Appeals for the Tenth Circuit reversed the district court's dismissal of Procter & Gamble's Lanham Act claims, paving the way for a \$19.25 million jury verdict in its favor.
- *Roetenberger v. Christ Hospital*, 163 Ohio App.3d 555, 839 N.E.2d 441 (2005): In this medical malpractice action for wrongful death, the Ohio court of appeals reversed the jury verdict in the physician's favor due to improper arguments by his attorney and instructional error by the trial court.
- *City of Cincinnati v. Beretta U.S.A. Corp.*, 95 Ohio St.3d 416, 768 N.E.2d 1136 (2002): In this landmark decision on public nuisance law, the Supreme Court of Ohio held that a public-nuisance action could be maintained for injuries caused by a product — in this case, guns — if the design, manufacture, marketing, or sale of the product unreasonably interferes with a right common to the general public.



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- *Norgard v. Brush Wellman, Inc.*, 95 Ohio St.3d 165, 766 N.E.2d 977 (2002): In an employee's intentional tort action alleging that his employer subjected him to long-term beryllium exposure, the Supreme Court of Ohio ruled that a cause of action for an employer intentional tort accrues when the employee discovers, or by the exercise of reasonable diligence should have discovered, the workplace injury and — here's the ground-breaking part of the holding — the wrongful conduct of the employer.
- *Wallace v. Ohio Dep't of Commerce*, 96 Ohio St.3d 266, 773 N.E.2d 1018 (2002): In overturning the dismissal of a suit against the state fire marshal for negligently inspecting a fireworks store that caught fire killing nine people, the Supreme Court of Ohio held for the first time that the common-law public-duty rule cannot be applied in cases against the state in the Ohio Court of Claims.

Environmental

Anchored by Louise Roselle, a former attorney at the Environmental Protection Agency and a recent recipient of the prestigious award for National Trial Lawyer of the Year in Environmental Litigation, the environmental practice group at Markovits, Stock & DeMarco is uniquely equipped to assist clients in connection with the often extraordinarily complicated prospect of environmental litigation.

The attorneys at Markovits, Stock and DeMarco have been at the forefront of a number of nationally-recognized litigation matters related to local, state, regional, and federal environmental laws (e.g., CAA, CWA, CERCLA, EPCRA, FIFRA, RCRA, TSCA).

Federal environmental and workers' litigation includes the following:

- **Fernald Residents' case** – U.S. District Court, So. Dist. Of Ohio, Western Division – Co-Lead Trial Counsel. This case involved the offsite residents of the Feed Materials Production Center in Fernald Ohio. Fernald was one of the production facilities in the Department of Energy's Weapon Complex. This case was concluded by settlement after summary jury trial in 1989.
- **Fernald Workers' case** – U.S. District Court, So. Dist. of Ohio, Western Division – Co-Lead Trial Counsel. This case involved the workers at the Feed Materials Production Center in Fernald Ohio. Fernald was one of the production facilities in the Department of Energy's Weapon Complex. This case was concluded by settlement after a statute of limitations jury trial.
- **Rocky Flats Residents' case** – U.S. District Court, Colorado – Co-Lead Trial Counsel. This case involved the offsite residents of Rocky Flats. Rocky Flats was one of the production facilities in the Department of Energy's Nuclear Weapons Production Complex. There was a judgment of \$926 million. The case was appealed in the Tenth Circuit Court of Appeals and reversed.



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- **Boughton v. Cotter Corp.** – U.S. District Court, Colorado – Counsel. This case involved the offsite residents of the Cotter Corporation’s uranium mill located in Canon City, Colorado. After a four-week trial and appeal, this case was settled in 1996.
- **Hanford** – U.S. District Court, Eastern Div. of Washington – Lead Counsel. This case involving 1,600 offsite residents of the Hanford facility. Hanford was one of the production facilities in the Department of Energy’s Nuclear Weapons Production Complex. The matter is pending. The first six individual cases were tried in April 2005. There were two plaintiffs’ verdicts and four defense verdicts. The Ninth Circuit reversed three of the four defense verdicts and remanded to the trial court. Defendants filed a Motion for Writ of Certiorari to the U.S. Supreme Court, which was denied. The case is back in the District Court with more jury trials scheduled.
- **James Stepp, et al. v. Monsanto Research Corp., et al.**, United States District Court for the Southern District of Ohio, Western Division. Litigation for offsite residents. The matter has been settled. Monsanto was one of the production facilities in the Department of Energy’s Nuclear Weapons Production Complex.
- **Teresa Boggs, et al. v. Divested Atomic Corporation, et al.**, United States District Court for the Southern District of Ohio, Western Division. Litigation for offsite residents. The matter is settled. Divested Atomic was one of the production facilities in the Department of Energy’s Nuclear Weapons Production Complex.

State Court environmental and worker toxic substance exposure litigation includes the following:

- **Lankford v. Cooper Industries** – Lead Trial Counsel. Residents of Dayhoit, KY exposed to offsite contamination brought this action in the Harlan Circuit Court, Harlan, KY against Cooper Industries. The residents claimed that Cooper Industries released TCE and PCBs into the air and water. This case was settled in 2002.
- **Brush Wellman worker cases** –Lead Trial Counsel. Approximately 30 workers at Brush Wellman facilities in Ohio brought claims against Brush Wellman intentionally exposed the workers to dangerous levels of beryllium. The workers brought the actions in the Cuyahoga County Court of Common Pleas in Ohio. Most of these cases settled in 2002.
- **BASF explosion**- Co-Lead Trial Counsel. Residents near a BASF manufacturing facility in Cincinnati, OH brought a class action after the facility exploded. We also represented injured workers. These cases settled in 1993.
- **Albright & Wilson explosion** – Co-Lead Trial Attorney. Residents and businesses affected by an explosion at an Albright & Wilson plant in Charleston, S.C. brought an action damages. After extensive discovery and motion practice, this case settled in 1999.
- **Three Rivers Board of Education v. INEOS ABS (USA) Corp. and LANXESS** –. On December 5, 2005, the Director of the Ohio EPA contacted the Superintendent of the Three Rivers



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Board of Education, and advised that air monitors on Meredith Hitchens Elementary School had revealed that two chemicals from the LANXESS Corporation's plastics plant across the street were drifting over the school at levels that made the risk of cancer fifty times higher than what the state considers acceptable. Suit was filed in the Court of Common Pleas of Hamilton Court of Common Pleas. The case was settled in June 2010.

Products Liability and Personal Injury

The attorneys at Markovits, Stock & DeMarco have a long history of representing clients in connection with product liability and personal injury cases. In this context, we have successfully litigated catastrophic injury and wrongful death cases, as well as products defect cases in connection with a multitude of manufacturers, the automotive industry and pharmaceutical companies.

This successful and diverse background in product defects and personal injury litigation allows us to assist clients, whether plaintiffs or defendants, and to understand more fully the potential risks and rewards associated with their case – giving them a strategic advantage at trial or in settlement discussions. At Markovits, Stock & DeMarco, we are no strangers to the courtroom – and enjoy the opportunity to prepare for and actually try a case. But we understand that for many clients, discretion is the better part of valor. Clients seek the hard-earned experience that sets us apart when it comes to products liability and personal injury claims.

Noteworthy Cases:

- *Smith v. North American Stainless, L.P.*, 158 Fed.Appx. 699 (6th Cir. 2006): Rejecting a steel manufacturer's "up-the-ladder" immunity defense, the United States Court of Appeals for the Sixth Circuit reversed the district court's dismissal of a wrongful claim brought by the widow and estate of a steel worker killed on the job.
- *City of Cincinnati v. Beretta U.S.A. Corp.*, 95 Ohio St.3d 416, 768 N.E.2d 1136 (2002): In this landmark decision on public nuisance law, the Supreme Court of Ohio held that a public-nuisance action could be maintained for injuries caused by a product — in this case, guns — if the design, manufacture, marketing, or sale of the product unreasonably interferes with a right common to the general public.
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- *Wallace v. Ohio Dep't of Commerce*, 96 Ohio St.3d 266, 773 N.E.2d 1018 (2002): In overturning the dismissal of a suit against the state fire marshal for negligently inspecting a fireworks store that caught fire killing nine people, the Supreme Court of Ohio held for the first time that the common-law public-duty rule cannot be applied in cases against the state in the Ohio Court of Claims.
- *Kelci Stringer, et al. v. National Football League, et al.*, United States District Court, Southern District of Ohio, Western Division. Represented the family of a professional football player against NFL and helmet manufacturer in wrongful death/products liability litigation related to professional football player's death.
- *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, United States District Court, Central District of California
- *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, United States District Court, Eastern District of Louisiana
- *In re Silicone Gel Breast Implant Litigation*, United States District Court, Northern District of Alabama, MDL #926
- *In re Diet Drugs (Fen/Phen) Products Liability Litigation*, United States District Court, Eastern District of Pennsylvania
- *In re Rezulin (Diabetes Drug) Products Liability Litigation*, United States District Court, Southern District of New York
- *In re Meridia (Diet Drug) Products Liability Litigation*, United States District Court, Northern District of Ohio
- *In re Copley Pharmaceuticals, Inc., "Albuterol" Products Liability Litigation, MDL #1013*, United States District Court, District of Wyoming
- *In re Zyprexa Products Liability Litigation, MDL 1596*, United States District Court, Eastern District of New York

Employment Litigation

The attorneys at Markovits, Stock & DeMarco have extensive experience in representing clients across the wide spectrum of legal issues that surface in connection with the complex relationship between employers and employees, including employment litigation and pre-case employer counseling. We have represented both businesses and individuals in administrative agency hearings (EEOC and OCRC) and litigation regarding ERISA, FLSA, Title VII, ADA, ADEA, OSHA, and other employment-related state and federal laws.



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W.B. (“BILL”) MARKOVITS CURRICULUM VITAE

Bill Markovits practices in the area of complex civil litigation, with an emphasis on antitrust, RICO, and False Claims Act cases. Mr. Markovits began his career as a trial lawyer at the U.S. Department of Justice Antitrust Division in Washington, D.C. He continued a focus on antitrust after moving to Cincinnati, where he became an adjunct professor of antitrust law at the University of Cincinnati Law School. Mr. Markovits has been involved in a number of notable cases, including: the Choice Care antitrust and RICO class action in which the jury awarded over \$100 million to a class of physicians; a fraud/RICO case on behalf of The Procter & Gamble Company, which resulted in a settlement of \$165 million; an eleven year antitrust and RICO class action against Humana, including appeals that reached the United States Supreme Court, which culminated in a multi-million dollar settlement; and a national class action against Microsoft, in which Mr. Markovits was chosen from among dozens of plaintiffs’ attorneys to depose Bill Gates.

Education:

Harvard Law School, J.D. 1981, *cum laude*
Washington University, A.B. 1978, Phi Beta Kappa

Significant Cases:

In Re Federal National Mortgage Association Securities, Derivative, and “ERISA” Litigation, United States District Court, District of Columbia

Ohio Employees Retirement System v. Federal Home Loan Mortgage, aka Freddie Mac, et al., United States District Court, Northern District of Ohio, Eastern Division

Kentucky Speedway LLC v. NASCAR, et al., United States District Court, Eastern District of Kentucky

Hamilton County Board of Commissioners v. National Football League, et al., United States District Court, Southern District of Ohio, Western Division

In Re Microsoft Corp. Litigation, United States District Court, District of Maryland

Worldwide Basketball and Sport Tours, Inc., et al. v. The National Collegiate Athletic Association, United States District Court, Southern District of Ohio, Eastern Division

United States ex rel. Ridenour, United States District Court, District of Colorado

W.B. “Bill” Markovits Curriculum Vitae, cont.

Procter & Gamble v. Amway Litigation, United States District Court, Southern District of Texas, at Houston; United States District Court, District of Utah, at Salt Lake City

United States ex rel. Brooks v. Pineville Hospital, United States District Court, Eastern District of Kentucky

Procter & Gamble v. Bankers’ Trust Litigation, United States District Court, Southern District of Ohio

United States ex rel. Watt v. Fluor Daniel, United States District Court, Southern District of Ohio

Forsyth v. Humana, United States District Court, District of Nevada

In Re Choice Care Litigation, United States District Court, Southern District of Ohio, Western Division

In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation, United States District Court, Central District of California

In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010, United States District Court, Eastern District of Louisiana

Presentations & Publications:

“Defining the Relevant Market in Antitrust Litigation”, Great Lakes Antitrust Seminar, October 29, 2010

“Beyond Compensatory Damages – Tread, RICO and The Criminal Law Implications”, HarrisMartin’s Toyota Recall Litigation Conference, Part II, May 12, 2010

“The Racketeer Influenced and Corrupt Organizations Act (RICO)”, HarrisMartin’s Toyota Recall Litigation Conference, March 24, 2010

“The False Claims Act: Are Healthcare Providers at Risk?” presentation to *Robert Morris College Second Annual Health Services Conferences, Integrating Health Services: Building a Bridge to the 21st Century*, Moon Township, PA, October 9, 1997

“The Federal False Claims Act: Are Health Care Providers at Risk?” (Co-Speaker), Ohio Hospital Association, April, 1996

“A Focus on Reality in Antitrust,” *Federal Bar News & Journal*, Nov/Dec 1992

“Using Civil Rico and Avoiding its Abuse,” *Ohio Trial*, William H. Blessing, co-author, Summer 1992

W.B. "Bill" Markovits Curriculum Vitae, cont.

"Antitrust in the Health Care Field," a chapter published in Legal Aspects of Anesthesia, 2nd ed., William H. L. Dornette, J.D., M.D., editor

Antitrust Law Update, National Health Lawyers Health Law Update and Annual Meeting (Featured Speaker), San Francisco, California, 1989

Affiliations:

American Association for Justice
American Bar Association
American Trial Lawyers Association
Cincinnati Bar Association
District of Columbia Bar Association (non-active)
Hamilton County Trial Lawyers Association
National Health Lawyers Association
Ohio State Bar Association
Ohio Trial Lawyers Association

Courts Admitted:

1981 District of Columbia
1983 State of Ohio
1983 Southern District of Ohio
1991 6th Circuit Court of Appeals, Ohio
1995 9th Circuit Court of California
1998 U.S. Supreme Court, United States of America
2008 Northern District of Ohio



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PAUL M. DE MARCO CURRICULUM VITAE

Paul M. De Marco, age 53, is a civil litigator and partner at Markovits, Stock & De Marco LLC in Cincinnati, Ohio. He has practiced law for 28 years, the past 23 with Waite, Schneider, Bayless & Chesley, also in Cincinnati. Prior to joining that firm, he was associated with an appellate law firm in Beverly Hills, California, and served as a law clerk for two California appellate judges.

He is an Appellate Law Specialist certified by the Ohio State Bar Association and has handled more than 100 appellate matters, including cases before the Supreme Court of the United States, six federal circuits, and five state supreme courts. His practice focuses on appellate matters, trial strategy, class actions, and other complex litigation.

He has been actively involved in successful litigation (many of them aggregate suits) related to the U.S. Department of Energy's Fernald nuclear weapons plant, the Lucasville (Ohio) prison riot, Lloyd's of London, defective Bjork-Shiley heart valves, Holocaust-related claims against Swiss and Austrian banks, the Bankers Trust derivative scheme, Cincinnati's Aronoff Center, the San Juan DuPont Plaza Hotel fire, the Procter & Gamble Satanism rumor, the Hamilton County (Ohio) Morgue photograph scandal, defective childhood vaccines, claims arising from tire delamination and vehicle roll-over, racial hostility claims against one of the nation's largest bottlers, fiduciary breach claims against the nation's largest pharmacy benefits manager, and claims arising from the heatstroke death of NFL lineman Korey Stringer, among others.

Born: Youngstown, Ohio, August 13, 1959.

Bar Admissions: 1984, California; 1989, Ohio; Supreme Court of the United States; U.S. Court of Appeals, 1st Circuit; U.S. Court of Appeals, 4th Circuit; U.S. Court of Appeals, 5th Circuit; U.S. Court of Appeals, 6th Circuit; U.S. Court of Appeals, 7th Circuit; U.S. Court of Appeals, 9th Circuit; U.S. Court of Appeals, 10th Circuit; U.S. District Court, Southern District of Ohio; U.S. District Court, Northern District of Ohio; U.S. District Court, Eastern District of California; U.S. District Court, Central District of California; U.S. District Court, Southern District of California; U.S. Court of Federal Claims.

Paul M. De Marco Curriculum Vitae, cont.

Education: College of Wooster (B.A. 1981); University of the Pacific, McGeorge School of Law (J.D., with distinction 1983); University of Cambridge (1985).

Honors: Phi Beta Kappa; Order of the Coif; American Jurisprudence Award, Civil Procedure; Traynor Moot Court Competition Team; Traynor Honor Society.

Judicial Clerkships: Law Clerk to Presiding Justice Robert K. Puglia, California Court of Appeal, Third Appellate District, 1984-1985; Law Clerk to Associate Justice Frances N. Carr, California Court of Appeal, Third Appellate District, 1986.

Representative Appeals: *Arthur Anderson LLP v. Carlisle*, 129 S.Ct. 1896 (2009); *State of Ohio ex rel. Bd. of State Teachers Retirement Sys. of Ohio v. Davis*, 113 Ohio St.3d 410, 865 N.E.2d 1289 (2007); *Williams v. Duke Energy International, Inc.*, 681 F.3d 788 (6th Cir. 2012); *Chesher v. Neyer*, 477 F.3d 784 (6th Cir. 2007); *State of Ohio ex rel. CNG Fin'l Corp. v. Nadel*, 111 Ohio St.3d 149, 855 N.E.2d 473 (2006); *Procter & Gamble Co. v. Haugen*, 427 F.3d 727 (10th Cir. 2005); *City of Cincinnati v. Beretta U.S.A. Corp.*, 95 Ohio St.3d 416, 768 N.E.2d 1136 (2002); *Norgard v. Brush Wellman, Inc.*, 95 Ohio St.3d 165, 766 N.E.2d 977 (2002); *Wallace v. Ohio Dep't of Commerce*, 96 Ohio St.3d 266, 773 N.E.2d 1018 (2002); *Procter & Gamble Co. v. Amway Corp.*, 242 F.3d 539 (5th Cir. 2001); *Begala v. PNC Bank Ohio, N.A.*, 142 Ohio App.3d 556, 756 N.E.2d 215 (1st Dist. 2001); *Chamberlain v. AK Steel Corp.*, 82 Ohio St.3d 389, 696 N.E.2d 569 (1998); *Baker v. LeBoeuf, Lamb, Leiby & MacRae*, 105 F.3d 1102 (6th Cir. 1997); *State of Ohio ex rel. A & D Ltd. P'ship v. Keefe*, 77 Ohio St.3d 50, 671 N.E.2d 13 (1996); *In re NLO, Inc.*, 5 F.3d 154 (6th Cir. 1993); *State of Ohio ex rel. Ruehlmann v. Luken*, 65 Ohio St.3d 1, 598 N.E.2d 1149 (1992); *Tulloh v. Goodyear Atomic Corp.*, 62 Ohio St.3d 541, 584 N.E.2d 729 (1992); *Shoemaker v. Myers*, 52 Cal.3d 1, 801 P.2d 1054 (1990); *In re Allied Signal, Inc.*, 891 F.2d 967 (1st Cir. 1989); *In re Allied-Signal, Inc.*, 891 F.2d 974 (1st Cir. 1989).

Activities: Federal Bar Association, Ohio State Bar Association, Cincinnati Bar Association, American Bar Association; ABA Council of Appellate Lawyers; Cincinnati Bar Association, Court of Appeals Committee; Collaborative Law Center; Fellow, Ohio State Bar Foundation, 2007 Class; Cincinnati Bar Association Grievance Committee, 1994-2007 (the last 2 as Chair); Board, Ohio Justice and Policy Center; Cincinnati, 1997-present; Cincinnati Citizens Police Review Panel, 1999-2002; Member, Cincinnati CAN, Police and Community Subcommittee (following 2001 riots in Cincinnati); Board, Mercantile Library Association, 2004-present; Fellow, Justice Institute for the Legal Profession, Fall 2006; Member, Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, 2008-present.



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LOUISE M. ROSELLE CURRICULUM VITAE

Louise Roselle is of counsel to Markovits, Stock & DeMarco, LLC. Ms. Roselle practices in the areas of wrongful death, products liability, nuisance, trespass, negligence, intentional tort, securities, antitrust and medical negligence. Her civil trial practice has focused on plaintiffs' complex environmental class action and personal injury litigation in both state and federal courts. She has successfully litigated cases that include environmental lawsuits for both workers and neighbors, automobile accidents, chemical plant explosions, hotel fire, gas tank explosions, medical malpractice, securities litigation, antitrust litigation, airplane crash and a train derailment.

Ms. Roselle began her career as a staff attorney at the newly formed Ohio Environmental Protection Agency where she prepared the air pollution control regulations for the State of Ohio, and worked on implementation of the Clean Water Act and Clean Air Act. She next served as an enforcement attorney at the U.S. Environmental Protection Agency enforcing Clean Air Act in the states of Wisconsin, Illinois, Indiana and Ohio, with a primary emphasis was on the unleaded gas regulations, and enforcement actions against steel companies. She has also worked on matters including bankruptcies, foreclosures, commercial loans, workouts, real estate transactions, probate matters, domestic relations and other areas in the general practice of law.

Education:

University of Cincinnati, Masters in Business Administration, 1977
The Ohio State University College of Law, J.D., 1971, *cum laude*
The Ohio State University, B.A., 1969, *cum laude* with distinction

Federal environmental and workers' litigation includes the following:

Fernald Residents' case - U.S. District Court, So. Dist. of Ohio, Western Division- Co-Lead Trial Counsel. This case involved the offsite residents of the Feed Materials Production Center in Fernald Ohio. Fernald was one of the production facilities in the Department of Energy's Weapon Complex. This case was concluded by settlement after summary jury trial in 1989.

Fernald Workers' case - U.S. District Court, So. Dist. of Ohio, Western Division- Co-Lead Trial Counsel. This case involved the workers at the Feed Materials Production Center in Fernald Ohio. Fernald was one of the production facilities in the Department of Energy's Weapon Complex. This case was concluded by settlement after a statute of limitations jury trial.

Louse M. Roselle Curriculum Vitae, cont.

Rocky Flats Residents' case - U.S. District Court, Colorado- Co-Lead Trial Counsel. This case involved the offsite residents of Rocky Flats. Rocky Flats was one of the production facilities in the Department of Energy's Nuclear Weapons Production Complex. There was a judgment of \$926 million. The case was appealed in the Tenth Circuit Court of Appeals and reversed.

Boughton v. Cotter Corp. - U.S. District Court, Colorado - Counsel. This case involved the offsite residents of the Cotter Corporation's uranium mill located in Canon City, Colorado. After a four-week trial and appeal, this case was settled in 1996.

Hanford- U.S. District Court, Eastern Div. of Washington- Lead Counsel. This case involving 1,600 offsite residents of the Hanford facility. Hanford was one of the production facilities in the Department of Energy's Nuclear Weapons Production Complex.

In re: 2004 DuPont Litigation - Co-trial counsel. Residents of Greenup County, KY exposed to oleum. Two jury trials were held in 2009 and 2010. Plaintiffs obtained both compensatory and punitive damages.

James Stepp, et al. v. Monsanto Research Corp., et al. United States District Court for the Southern District of Ohio, Western Division. Litigation for offsite residents. The matter has been settled. Monsanto was one of the production facilities in the Department of Energy's Nuclear Weapons Production Complex.

Teresa Boggs, et al. v. Divested Atomic Corporation, et al., United States District Court for the Southern District of Ohio, Western Division. Litigation for offsite residents. The matter has been settled. Divested Atomic was one of the production facilities in the Department of Energy's Nuclear Weapons Production Complex.

State Court environmental and worker toxic substance exposure litigation includes the following:

Lankford v. Cooper Industries – Lead Trial Counsel. Residents of Dayhoit, KY exposed to offsite contamination brought this action in the Harlan Circuit Court, Harlan, KY against Cooper Industries. The residents claimed that Cooper Industries released TCE and PCBs into the air and water. This case was settled in 2002.

Brush Wellman worker cases -Lead Trial Counsel. Approximately 30 workers at Brush Wellman facilities in Ohio brought claims against Brush Wellman intentionally exposed the workers to dangerous levels of beryllium. The workers brought the actions in the Cuyahoga County Court of Common Pleas in Ohio. Most of these cases settled in 2002.

BASF explosion- Co-Lead Trial Counsel. Residents near a BASF manufacturing facility in Cincinnati, OH brought a class action after the facility exploded. Also represented injured workers. These cases settled in 1993.

Louse M. Roselle Curriculum Vitae, cont.

Albright & Wilson explosion -Co-Lead Trial Attorney. Residents and businesses affected by an explosion at an Albright & Wilson plant in Charleston, S.C. brought an action damages. After extensive discovery and motion practice, this case settled in 1999.

Three Rivers Board of Education v. INEOS ABS (USA) Corp. and LANXESS

On December 5, 2005, the Director of the Ohio EPA contacted the Superintendent of the Three Rivers Board of Education, and advised that air monitors on Meredith Hitchens Elementary School had revealed that two chemicals from the LANXESS Corporation's plastics plant across the street were drifting over the school at levels that made the risk of cancer fifty times higher than what the state considers acceptable. Suit was filed in the Court of Common Pleas of Hamilton County Court of Common Pleas. The case was settled in June 2010.

Multi District Litigation includes:

In re Silicone Gel Breast Implant Litigation, United States District Court, Northern District of Alabama, MDL #926

In re Diet Drugs (Fen!Phen) Products Liability Litigation, United States District Court, Eastern District of Pennsylvania

In re Rezulin (Diabetes Drug) Products Liability Litigation, United States District Court, Southern District of New York

In re Meridia (Diet Drug) Products Liability Litigation, United States District Court, Northern District of Ohio

In re Copley Pharmaceuticals, Inc., "Albuterol" Products Liability Litigation, MDL #1013, United States District Court, District of Wyoming

In re Zyprexa Products Liability Litigation, MDL 1596, United States District Court, Eastern District of New York

In re Putnam Mutual Funds Litigation, United States District Court, District of Maryland

In re Fannie Mae Securities Litigation, Case 1:04-CV-01639, United States District Court, District of Columbia, MDL #1668

Louse M. Roselle Curriculum Vitae, cont.

Bar Admissions/Licenses:

Supreme Court of the State of Ohio (1972- Number 0014844)
United States Court of Appeals for the Fourth Circuit (6/2/09)
United States Court of Appeals for the Sixth Circuit
United States Court of Appeals for the Tenth Circuit (5/17/85)
United States District Court for the Northern District of Ohio
United States District Court for the Southern District of Ohio
United States District Court for the Southern District of Indiana

Activities/Appointments/Associations/Awards:

Treasurer, Potter Stewart Inn of Court - 1994-1999
Member - Cincinnati Bar Association
Member- Ohio State Bar Association
Member - American Bar Association
DFAB (Development Finance Advisory Board), Ohio Department of Development,
1991-1993. Appointment to this Board by Gov. Richard Celeste.
Board of Zoning Appeals for the City of Montgomery, Ohio- 1997-2000
CASA Advisory Board for Clermont County, Ohio- 1998-2000



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Randy Freking, a founding partner of Freking & Betz, LLC, lives in Cincinnati with his wife, and they have four children. He is the managing partner of the midwest's largest law firm devoted primarily to the rights of employees, whether they are minimum wage workers or high level executives.

Mr. Freking is a frequent lecturer on employment law and has successfully represented many employees in trials in state and federal courts in Ohio and Kentucky since December, 1990, securing several million dollar plus jury verdicts.

Randy is Chair of the Cincinnati Employment Lawyers Association, has been recognized in every edition of "Best Lawyers in America" since 1994, has received "Super Lawyer" designations since its inception, has been one of the top 10 vote recipients in Ohio for the designation of "Super Lawyer" in 2006 through 2014 surveys of Ohio lawyers by Law and Politics Magazine, was recognized by Cincinnati Magazine as one of the most influential lawyers in Cincinnati in October, 2008, and has been recognized annually by Cincy Business Magazine as one of Cincinnati's "Leading Lawyers".

Mr. Freking also serves as a private mediator to resolve civil disputes whether they are employment, commercial, or other types of disputes. Randy has participated as an advocate in hundreds of mediations and received his formal mediation training at the University of Pepperdine College of Law's Strauss Institute in 2009.

Freking & Betz is based in Cincinnati and also has offices in Dayton, Ohio and Denver, Colorado. Randy is licensed to practice in Ohio, Kentucky, and Colorado.



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George M. Reul, Jr. is a graduate of Vanderbilt University School of Law and a Phi Beta Kappa graduate of Indiana University, Bloomington. Since graduating from Vanderbilt, he has focused his legal practice on employment law representing current and former employees. Since 1998, George has participated in jury trials in both state and federal court in Ohio and received favorable jury verdicts. He has also represented employees at the Ohio Court of claims, as well as in mediation and arbitration. George is a member of the Cincinnati Employment Lawyers Association and National Employment Lawyers Association, as well as the Cincinnati Bar Association, and American Bar Associations.

LEGAL CAREER

Partner, Freking & Betz, LLC, Cincinnati, Ohio
Associate, Freking & Betz, LLC, Cincinnati, Ohio

AREAS OF PRACTICE

Employment Law

EDUCATION

Vanderbilt University of Law, J.D.
Indiana University, Bloomington, B.A. (*with Distinction*)

PROFESSIONAL ASSOCIATIONS

Member: American, Ohio and Cincinnati Bar Associations
Member: National, Ohio and Cincinnati Employment Lawyers Associations

HONORS AND AWARDS

Super Lawyers, Ohio Rising Star by *Law and Politics Magazine* (2005, 2006, 2007, 2011 and 2012)
Phi Beta Kappa (Gamma Chapter at Indiana University)

LICENSES

Ohio