EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: NAVISTAR DIESEL ENGINE PRODUCTS LIABILITY LITIGATION	)	Case No. 11 C 2496
	)	MDL NO. 2223

This Document Relates to: All Cases

DECLARATION OF JOHN R. CLIMACO IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEY FEES AND EXPENSES

John R. Climaco, being first duly sworn, declares:

1. I am the founder and Chairman of the Board of Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A., (CWPT&G) a fourteen-member law firm with offices in Cleveland and Columbus, Ohio. I have personal knowledge of the matters stated herein. If called upon, I could and would competently testify thereto. I am one of the attorneys representing the Plaintiffs and Class Members in *In Re: Navistar Diesel Engine Products Liability Litigation*. I was appointed as a member of the Plaintiffs' Steering Committee. I am submitting this Declaration in support of my firm's application for an award of attorneys' fees and reimbursement of expenses in connection with services rendered.

2. My firm's professional resume is attached as Exhibit 1 to this Declaration.

3. I have been personally involved, as has CWPT&G, in complex litigation, including class actions against the tobacco industry ($246 Billion Settlement), pharmaceutical and medical device manufacturers, welding consumable manufacturers, airlines, securities and financial litigation which has resulted in more than $449 Billion Dollars in settlement and jury verdicts for my clients.

4. My Firm has been involved in this litigation since its inception. We filed a case in the Northern District of Ohio, Eastern Division, and supported the Multidistrict litigation. We have worked closely with our co-counsel in other states. We participated in all phases of the litigation in which Lead Counsel requested our assistance and assigned us duties and responsibilities. We analyzed the merits of this case, drafted the Complaint to file in the Northern District of Ohio, Eastern Division, assisted with the Ohio law sections of the Master Complaint filed in this District, and aided in the research and preparation of memoranda in opposition to Defendants' motions for summary judgment and other critical issues involved in this litigation. A high degree of risk was involved in whether our fees and expenses incurred in this litigation would be recovered. We committed a significant amount of personnel hours and expenses with no promise of compensation.

5. From the inception of this litigation, Plaintiffs' counsel have aggressively prosecuted this case and vigorously represented the best interests of Plaintiffs and the Class. In the interest of the Class, we have consistently sought to maximize our efficiency while at the same time leaving no stone unturned. The result is a Settlement that provides in a timely manner great benefits for the Class.

6. CWPT&G's hours and expenses are from time and expense records reported daily by the person who performed the work or incurred the expense, and maintained by CWPT&G in the ordinary course of business. I personally oversaw the activities of those who performed the work and ensured that the clients were charged the minimal fees and expenses necessary to perform the task at the quality level that we demand at CWPT&G. The total fees and expenses incurred to perform the tasks undertaken by CWPT&G were reasonable and appropriate in light of the scope and complexity of the litigation.

7. The total number of hours spent on this litigation by CWPT&G through April 4, 2013 is 477.80. The total Lodestar amount for attorney and professional hours based on the rate regularly charged by those attorneys and professionals is $234,229.50. My Firm's rates that were used for

purposes of calculating the Lodestar are based upon prevailing rates for national class-action work, and have been approved by multiple courts across the country. The hourly rates are the usual and customary rates charged for our individual cases and all of our class action cases. CWPT&G Lodestar rates are supported by prevailing attorney fees for class action work on a national level. In addition, they are comparable to fees charged to our hourly clients.

8. My billing rates are the same rate or similar to rates I charge hourly clients for my services. My rate has been approved in numerous class actions. In my forty-six years of practicing civil litigation, besides labor union matters, numerous white collar criminal cases, personal injury and business litigation, I have served as lead counsel and in various other counsel roles in numerous class actions. My billing rates have been approved by courts throughout the country. As examples -- *Gemelas v. The Dannon Company, Inc.*, Case No. 1:08-SV-00236 (ND Ohio) ($650.00/hour in 2010); *In Re: Inter-Op Hip Prosthesis Liability Litigation*, Case No. 1:01-cv-9000 (ND Ohio) ($500/hour in 2004); *In Re: Baycol Litigation Products*, Case No.: 2:2003-cv-03762, (D of MN) ($590/hour in 2003).

9. My partner John A. Peca's billing rate is the same rate he charges hourly clients for his services and his rate has been approved in numerous class actions. In attorney Peca's thirty-three years of practicing litigation, he has served as lead counsel and in various other counsel roles in numerous class actions. Attorney Peca's billing rates have been approved by numerous courts in class action cases including, among others, *Gemelas v. The Dannon Company, Inc.*, Case No. 1:08-SV-00236 (N.D. Ohio) ($600.00/hour in 2010); *In Re: Inter-Op Hip Prosthesis Liability Litigation*, Case No. 1:01-cv-9000 (ND Ohio) ($480/hour in 2004).

10. My associate Patrick G. Warner's billing rate in this case is the same rate we charge hourly clients for his services and his rate has been approved in numerous class actions. In attorney Warner's nearly eighteen years of practicing class action litigation, he has served as co-lead counsel

and in various other counsel roles in numerous class actions. Attorney Warner's billing rates have been approved by numerous courts in class action cases including, among others, *Gemelas v. The Dannon Company, Inc.*, Case No. 1:08-SV-00236 (N.D. Ohio) ($485 in 2010); *In Re Apple iPod Nano Products Liability Litigation*, MDL Docket No. M: 06-CV-01754 (N.D. Cal.) ($400/hour in 2009); *Bowen, et al. v. Whirlpool Corporation, et al.*, Case No. CV05-8067 (C.D. Cal.)($400/hour in 2007); *Health Science Products LLC. v. Sage Software SB, Inc.,* Case No. 1:05-CV-03329 (N.D. Ga.)($350/hour in 2007); and, *Martino, et al. v. Motorola, Inc.,* Case No. 03-CIV-1562 (Medina County, Ohio Court of Common Pleas, 2004) ($300/hour in 2005).

11. A breakdown of my Firm's current lodestar is as follows:

NAME	HOURS	RATE	LODESTAR
John R. Climaco	41.60	$650.00	$27,040.00
John A. Peca	31.20	$600.00	$18,720.00
Patrick G. Warner	301.40	$550.00	$165,770.00
David M. Cuppage	2.00	$550.00	$1,100.00
Scott D. Simpkins	5.30	$550.00	$2,915.00
Gwen M. Hennessey	6.60	$160.00	$1,056.00
Gina M. Bruno	61.00	$160.00	$9,760.00
Patrice M. Kilo	5.20	$65.00	$338.00
Joseph M. Muska	8.40	$65.00	$546.00
Timothy M. Clary	1.30	$65.00	$84.50
TOTAL			**234,229.50**

12. My firm incurred a total of $76,740.09 in expenses in connection with the prosecution of this litigation. They are broken down as follows:

EXPENSE CATEGORY	TOTAL
Meals, Hotels & Transportation	$4,846.66
Photocopies	$178.12
Postage	$14.70
Telephone, Facsimile	$28.04
Messenger, Overnight Delivery	$49.06
Filing, Witness & Other Fees	$360.00
Court Reporters	-0-
Lexis, Westlaw, Online Library Research	$1,263.51
Class Action Notices/Business Wire/Assessments	$70,000.00
Mediation Fees	-0-
Expert/Consultants/Investigators	-0-
TOTAL	**$76,740.09**

13. The expenses pertaining to this litigation are reflected in the books and records of my Firm. These books and records are prepared from expense vouchers, check records, and other documents and are an accurate record of the expenses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of April, 2013, at Cleveland, Ohio.

John R. Climaco (0011456)
CLIMACO, WILCOX, PECA, TARANTINO & GAROFOLI CO., L.P.A.
55 Public Square, Suite 1950
Cleveland, Ohio 44113
Telephone: 216/621-8484
Facsimile: 216/771-1632
Email: jrclim@climacolaw.com

Counsel for the Plaintiffs and Class

EXHIBIT 1

Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A.
Attorney Professional Biographies

Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A. is a nationally recognized fourteen member firm with extensive experience in handling all forms of civil and white collar criminal litigation. The Firm's litigation experience encompasses complex commercial and business litigation including, securities fraud and ERISA actions, consumer class actions, securities derivative litigation, pharmaceutical and medical device class actions. The Firm also has extensive experience in the areas of municipal litigation, eminent domain, real estate, environmental and land use litigation, construction litigation, white collar criminal defense, and personal injury litigation. Moreover, the Firm's litigation attorneys routinely utilize the Firm's business and transactional attorneys for expertise in the areas of ERISA contracts, employment law, executive compensation, corporate transactions, financial institutions and municipal bond, insurance coverage, mergers and acquisitions, professional malpractice, and securities transactions.

Principals:

JOHN R. CLIMACO

John R. Climaco, a 1967 graduate of Case Western Reserve University Law School, began his career as a sole practitioner which eventually evolved into Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A., currently a 14-member law firm with offices in Cleveland and Columbus, Ohio.

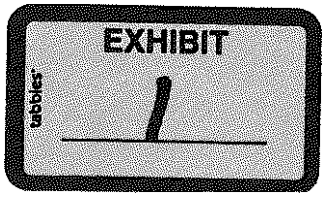
John is licensed to practice in the State of Ohio, as well as United States District Courts for the Northern and Southern Districts of Ohio; Central and Southern Districts of California; Eastern District of New York; Eastern and Western District of Louisiana; Eastern District of Michigan; District of Minneapolis; Eastern District of Texas; U.S. Courts of Appeals, Second, Fifth, Sixth, Seventh and Ninth Circuits; U.S. Tax Court; U.S. Supreme Court.

Martindale Hubbell's highest rating, AV-pre-eminent, for legal ability and ethical standards.

National Law Journal named John one of the 100 most powerful lawyers in the United States.

Ohio Super Lawyer 2000 to present.

The National Trial Lawyers named John one of the Round Table 100 Most Influential Trial Lawyers.



John devotes his comprehensive practice to General and Complex Litigation, including Class Actions, Securities ERISA, Mass Torts, Environmental, Toxic Tort, White Collar, Criminal Civil RICO, and Public Law matters.

Throughout his career, John has provided individuals, labor unions, private corporations and government excellent, diligent, efficient counsel including:

- The State of Ohio; City of Cleveland; Cleveland Board of Education
- Special Counsel, Ohio Attorney General's Office
- Special Counsel, Kent State University
- Special Counsel, Cuyahoga County, Ohio Prosecutor's Office

* * *

- General Counsel, International Brotherhood of Teamsters, 1984 to July 1988
- Sammy Davis, Jr., 1974 until his untimely death in May, 1990.
- Police Officers. Assisted in organizing, drafted the Constitution and By-Laws and served as Counsel to the Cleveland Police Patrolmen's Association (CPPA) and the Ohio Patrolmen's Benevolent Association (OPBA) comprised of 6000 police officers throughout the State of Ohio for over forty (40) years. Currently serves as Civil Counsel to the Cleveland Fraternal Order of Police, Lodge No. 8.

In 1976, Congress revised the U. S. Bankruptcy Code and created the position of Bankruptcy Examiner. In September 1980, Federal Bankruptcy Judge, Mark Schlachet, appointed John the Examiner in the White Motors Chapter 11 Bankruptcy proceedings, which at that time was the largest industrial Chapter 11 Bankruptcy case ever filed under the recently enacted Bankruptcy Code. John's appointment as Examiner was the first appointment of an Examiner following creation of the position.

U.S. Bankruptcy Judge O'Neil complimented John's role as Examiner:

> "The Examiner's performance was broad in scope, highly productive and most beneficial to results achieved. The Examiner brought to the case a representation of those interests that, in my judgment, would not have existed without that role and a representation that was critical to maintain that balance. Obviously, I believe that the Examiner made significant and substantial contributions to the White Motor reorganization." [*Testimony of Wallace B. Askins, Chairman of White Motors]* The Court concurs and lauds the Examiner's effort which conferred considerable benefit to the estates. He provided an independent, investigative role at the Court's request. Duties commendably performed included valued analyses and decisions on vital issues which proved significantly beneficial."

Beginning in the mid-1970's, John represented Teamster Union official, Jackie Presser, in union-related as well as personal white collar criminal matters. He served as General

Counsel of the International Brotherhood of Teamsters ("IBT") from 1984 until 1988 while still developing his Cleveland, Columbus and Washington, D.C. private practice.

As General Counsel to the IBT, among other significant matters, John:

- Negotiated the re-affiliation of the IBT with the AFL-CIO.
- Developed a truce with Cesar Chavez, co-founder of the United Farm Workers, and the IBT over migrant farm workers in California.
- Represented the IBT and its elected officials before Congressional Committees, in particular the U.S. Senate's Labor, Judiciary and Permanent Subcommittee on Investigations.
- Represented the IBT and its elected officials before the President's Commission on Organized Crime.
- Represented the IBT in the early stages of the Civil Rico government takeover action and was counsel in the IBT's only victory.
- Developed and successfully litigated the first Civil Rico case filed by a Labor Union against an employer -- Central Transport.

John served as General Counsel to a newly chartered statewide Ohio Teamster Public Employee Union. As a result, at the personal request of then Ohio Governor John G. Gilligan, he quelled a statewide "wildcat strike" by an Ohio Prison Guards' Union, which led to the enactment of Ohio's Public Employment Collective Bargaining Laws.

SIGNIFICANT PRECEDENT DECISIONS

Herm, et al. v. Stafford, et al., 461 F. Supp. 515 (1978), 601 F.2d 588 (6th Cir. 1979) established two year statute of limitations in S.E.C. Rule 10b-5 security fraud litigation.

Dennis J. Kucinich, et al. v. Mercedes Cotner, et al., 1978 WL219367 (Ohio App. 8th Dist.) Cleveland City Charter reserves to the electors of the City the power to remove from office the Mayor and Members of Council.

Inland Refuse Transfer Co., et al. v. Browning-Ferris Industries of Ohio, Inc., et al., 15 Ohio St.3d 321 (1984) parole evidence is admissible in a contract dispute where the contract is not clear and unambiguous.

William E. Brock, Secretary of Labor v. Loran W. Robbins, et al., 830 F.2d 640 (7th Cir. 1987).

Albrecht v. Treon, 118 Ohio St. 3d 348 (2008). Recently, John served as Special Counsel to the Cuyahoga County, Ohio Prosecutor's Office in a putative plaintiff and defendant class action suit filed in the United States District Court for the Southern District of Ohio against 87 Ohio county coroners and/or medical examiners in the state of Ohio who had removed, retained and disposed of body parts (brain) without prior notice to the next of kin. This was a long-standing practice involving thousands of potential claims and $100 Million dollars in damages. During meetings with attorney representatives of Ohio's 87 counties, John advocated an aggressive litigation strategy including seeking certification of a question of state law to the Ohio Supreme Court. While other attorneys objected, John's certified question of state law strategy was pursued. John's strategy prevailed and the Ohio Supreme Court established the precedent that the next of kin of a decedent upon whom an autopsy had been performed do not have a protected right under Ohio law to the decedent's tissues, organs, blood, or other body parts that have been removed and retained for forensic examination and testing. Based on the Ohio Supreme Court's answer to the certified question of state law John proposed; the United States District Court for the Southern District of Ohio dismissed Plaintiffs' putative class action lawsuit saving eighty-seven Ohio counties hundreds of millions of dollars in potential damages. *Albrecht v. Treon, et al.*, 889 N.E. 2d 120.

BILLION/MILLION DOLLAR SETTLEMENTS AND JURY VERDICTS

$246 Billion Dollar Class Action Settlement Against the Tobacco Industry

From 1994 to date, John has been a member of the Castano Plaintiff's Legal Committee serving as acting Chairman of the PLC and Co-Chairman of various committees, including the Discovery, Trial and Fee Committees. In 1994, the Castano class action was the first class action filed against the tobacco industry alleging the nicotine addiction theory.

Castano, along with Mississippi, Texas and Florida are recognized as Tobacco Pioneers. The Pioneers' efforts resulted in the historic $246 Billion settlement with the tobacco industry.

In 2000, CWPT&G and the other 50 Castano law firms received the "Breath of Life Award" from the American Lung Association for their work.

John continues as a member of the Castano Discovery Team in *Scott, et al. vs. The American Tobacco Company, Inc., et al.*, Class Action Claim No. 96-8461 in the Civil District Court of Louisiana, Parish of Orleans where a jury awarded and the Supreme Court of Louisiana affirmed all Louisiana smokers right to participate in a Tobacco Industry paid **$278,720,790.55 Smoking Cessation Programs**.

John is co-counsel in the Coordination Proceeding Special Title (Rule 1550(b)) *In Re: Tobacco Cases II* in the Superior Court of the State of California for the County of San Diego, Case No. 711400. This matter alleges that the cigarette manufacturers violated section 17200 of California's Unfair Competition Laws ("UCL"). On May 18, 2009, the California Supreme Court reversed the court of appeals decertification of a class of California residents who smoked one or more cigarettes and were exposed to the cigarette manufacturers' fraudulent marketing and advertising activities. On March 11, 2010, Judge Prager reinstated claims involving light cigarettes. These recent precedent setting decisions have been widely reported as preserving the California UCL. Pending trial date.

March 22, 1992, John was appointed by Thomas J. Lambros, former Chief Judge of the United States District Court, Northern District of Ohio as a member of the Plaintiffs' Steering Committee and Lead Trial Counsel in a case against USAir arising out of the crash of Flight 405 at LaGuardia Airport in March, 1992, ***In Re: Air Disaster at New York LaGuardia Airport on March 22, 1992,* MDL Docket No. 936** (**Multi-Million Dollar Individual Plaintiff verdicts**).

1999 Class Counsel in *Brack, et al. vs. General Motors Corporation*, Case No. CV 98 04046, Superior Court of New Mexico, County of Bernalillo (**National Product Liability Multi-Million Dollar Settlement**).

February 1, 2001, Member of the Plaintiffs' Steering Committee and Co-Chairman of the Discovery and Trial Committees *In Re: Baycol Litigation Products*, MDL 1431, U.S. District Court of Minnesota. ($1.3 Billion in Settlements).

July 6, 2001, The Honorable Judge Kathleen O'Malley appointed John as Co-Lead and Class Counsel in *In Re: Inter-Op Hip Prosthesis Liability Litigation*, MDL No. 1401, U.S. District Court, Northern District of Ohio, Eastern Division **($3.2 Billion Settlement**).

March 28, 2003, The Honorable Judge Donald C. Nugent appointed John as Co-Lead Counsel *In re: OM Group Securities Litigation*, Case No. 02CV-2163, U.S. District Court, Northern District of Ohio, Eastern Division (**$92.4 Million Settlement**)

September 16, 2003 – The Honorable Kathleen M. O'Malley appointed John nationwide Liaison Counsel in ***In Re: Welding Rod Products Liability Litigation*, MDL No. 1535**, U.S. District Court, Northern District of Ohio, Eastern Division. John also serves on the **Class Action Certification, Discovery & Trial Committees**. (**June 1, 2012 – Confidential Settlement**).

2006, appointed Co-Lead Counsel in the matter *Opperman, et al. v. Cellco Partnership d/b/a Verizon Wireless*, Case No. BC 326764, Superior Court of the State of California for the County of Los Angeles which was a matter alleging consumer fraud claims on behalf of a national class. The Court approved a national class action

settlement on behalf of consumers who activated Verizon wireless cellular service for a Motorola V710 telephone on or before January 31, 2005.

December 5, 2007 - $20.5 Million Dollar Jury Verdict, John was **Lead Trial Counsel** in ***Tamraz v. Lincoln Elec. Co.***, United States District Court, Northern District of Ohio, Eastern Division Case No. 1:04-CV-18948, *In re: Welding Fume Products Liability Litigation*, Case No. 1:03-CV-17000 (MDL Docket No. 1535). The largest of only five Welding Fume Plaintiff verdicts to date. Reversed on Appeal. **(June 1, 2012 Confidential Global Settlement**).

September 3, 2008 ($37.5 Million global settlement) Ohio Attorney General Marc Dann appointed John **Co-counsel** with Bernstein Litowitz Berger & Grossmann LLP for the **Lead Plaintiff the State Teachers Retirement System of Ohio** in the matter ***In re Scottish Re Group Securities Litigation***, U.S.D.C. S.D. NY, Case No. 06-cv-5853 SAS. (**$37.5 Million Settlement**)

January 27, 2010 Dannon Activia - $45 Million national class settlement including injunctive relief removing "scientifically proven" "clinically proven" and "immunity" language from all packaging, labeling and advertising. John was **Co-Lead Counsel and one of five Class Counsel**. ***Gemelas v. The Dannon Co., Inc., et al.***, U.S.D.C. N.D. Ohio, Case No. 1:08-cv-236 alleging violations of the consumer protection laws on behalf of a national class of consumers arising from Dannon's contention that its DanActive yogurt is "scientifically and clinically proven" to aid digestion.

July, 2010 Fleet Oral Sodium Phosphate $100+ Million Dollar Mass Tort (443 cases) Confidential Settlement, John was appointed **National Liaison Counsel** by The Honorable Ann Aldrich and subsequently by the Honorable Dan Aaron Polster, ***In re: Oral Sodium Phosphate Solution-Based Products Liability Action***, Case No. 1:09-sp-80000, (MDL Docket No. 2066), United States District Court, Northern District Of Ohio, Eastern Division.

August 3, 2011 - ***Cathy Pfaff, et al. v. Whole Foods Market Group, Inc., et al.,*** United States District Court for the Northern District of Ohio, Eastern Division, Case No. 1:10CV02954. **Lead Class Counsel**. Settlement included monetary, equitable relief and *cy pres*.

December 28, 2011 - ***Robert Schmidt, et al. v. AT&T*,** Cuyahoga County Court of Common Pleas, Case No. CV-09-688788, $258,477,200.00 Claims Made Settlement including *cy pres* relating to AT&T's DSL speed.

March, 2013 - *In Re: Imprelis Herbicide Marketing, Sales Practices And Products Liability Litigation*, MDL No. 2284 before the Honorable Judge Gene E.K. Pratter, United States District Court Eastern District of Pennsylvania.

March, 2013 - *Donald Eliason, et al. v. Gentek Building Products, Inc., Associated Materials, LLC, et al.,* Case No.: 1:10CV2093 PAG, before the Honorable Judge Benita Y. Pearson, United States District Court for the Northern District of Ohio. $3 Million Settlement and warranty enhancement

March, 2013 – *School Employees Retirement System of Ohio v. Wachovia Bank, N.A., et al.,* Case No. 2:10-cv-1160 before the Honorable Algenon L. Marbley, United States District Court for the Southern District of Ohio. $6 Million Settlement.

In Re: Scottish Re Group Securities Litigation, Master File No. 06-CV-05853 before the Honorable Shira A. Scheindlin, United States District Court for the Southern District of New York, $37.5 Million Settlement

John was Co-Lead and Liaison Counsel in the matter ***In Re: Inphonic, Inc. Wireless Phone Rebate Litigation*, MDL Docket No. 1792** (D.D.C.), District of Columbia, Case No. 06-528. Following Inphonic filing for bankruptcy, a settlement was negotiated.

PENDING CLASS ACTIONS AND MASS TORTS

The Honorable Donald C. Nugent appointed John Co-Lead and Liaison Counsel *In Re: Kaba Simplex Locks Marketing and Sales Practices Litigation,* MDL No. 2220, United States District Court, Northern District of Ohio, Eastern Division.

March 4, 2010 – The Honorable Carl J. Barbier, USDC, Eastern District of Louisiana appointed John one of the eight members of the Plaintiff's Steering Committee *In re: Apple iPhone 3G and 3GS*, Marketing Sales Practices Litigation MDL No. 2116.

January 9, 2012 – The Honorable Ed Kinkeade, USDC for the Northern District of Texas appointed John one of the members of Plaintiff's Steering Committee. *In Re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Liability Litigation*, MDL No. 2244.

In Re: *Julie Fitzpatrick, et al. v. General Mills, Inc., et al.,* United States District Court Southern District of Florida, Case No. 09-Civ-60412, consumer fraud involving false advertising of Yoplait Yogurt.

Melissa Brock, et al. v. General Mills, Inc., et al., United States District Court Northern District of Ohio, Case No. 1:10CV00060, consumer fraud involving false advertising for Yoplait Yogurt.

***In Re: Navistar Diesel Engine Products Liabiity Litigation,* MDL 2223**, United States District Court for the Northern District of Illinois, Eastern Division. Member - Plaintiffs' Steering Committee.

***In Re: POM Wonderful LLC Marketing and Sales Practices Litigation*, MDL 2199** in the United States District Court for the Central District of California. Member - Plaintiffs' Steering Committee.

The Honorable Judge Dan Aaron Polster appointed John as Co-Lead Counsel *In Re: Bayer HealthCare LLC and Merial Limited Flea Control Product Liability Litigation,* USDC for the Northern District of Ohio, MDL 2319.

In Re: Dial Complete Marketing and Sales Practices Litigation, USDC for the District of of New Hampshire, MDL 2263 before the Honorable Judge Steven J. McAuliffe, Member - Executive Subcommittee.

***In Re: ACTOS (Pioglitazone) Products Liability Litigation*, MDL No. 2299**; Judge Rebecca Doherty, United States District Court, Western District of Louisiana.

***In Re: Colgate-Palmolive Softsoap Antibacterial Hand Soap Marketing and Sales Practices Litigation*, MDL No. 2320**, Before the Honorable Judge Paul J. Barbadoro, United States District Court, District of New Hampshire.

***In re: MI Windows and Doors, Inc. Products Liability Litigation*, MDL No. 2333,** before the Honorable Judge David C. Norton, United States District Court for the District of South Carolina.

***In Re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Practices Litigation*, MDL No. 2382,** before the Honorable Judge Henry E. Autrey in the United States District Court Eastern District Of Missouri.

***In Re: Shop-Vac Marketing and Sales Practices Litigation,* MDL 2380,** before the Honorable Chief Judge Yvette Kane in the United States District Court Middle District of Pennsylvania.

CONTINUING LEGAL EDUCATION

John has lectured extensively on trial preparation and practice, RICO, ERISA, Mass Torts, Class Actions, MDL Proceedings, white collar criminal defense, labor and employment law throughout the country including the Stetson University College of Law's Annual Conference; New York City Bar Association; Aspen, Colorado Advanced Criminal Law Institute; Case Western Reserve College of Law-CLE Program; Health Care Section Conference of the Cleveland Bar Association; the Columbus Bar Association's Annual Litigation Institute; Institute of Business Law of California State University, Los Angeles and the Ohio CLE Institute. In January and May 2001, he was a panel member at the Mealey's Baycol Seminar in San Diego, California. On October

24, 2003 John was a Keynote Speaker at the Fourth Annual Class Action/Mass Tort Symposium in New Orleans sponsored by the Louisiana State Bar Association. On November 16, 2004, he was a panel member at the American Conference Institute's Welding Rod Litigation Conference in New Orleans. On March 24, 2010 and May 12, 2010, John was a Keynote Speaker at the HarrisMartin Toyota Recall Litigation Conferences on The Tread Act: Criminal Liability for "Lying" to NHTSA About Safety-Related Defects. On December 10, 2010 John spoke on Civil RICO at the 10th Annual Louisiana Mass Torts Symposium. On January 14, 2011 John spoke on Manufacturers Civil RICO Liability at the HarrisMartin Darvon and Darvocet Recall Litigation Conference. On January 25, 2012 John spoke on Civil RICO Liability at the Harris Martin Transvaginal Mesh and ACTOS Litigation Conference.

John has appeared numerous times on local and national radio and television, including *Good Morning America, The Today Show, Larry King Live, Night Line, The Greta Van Susteren Show, The Phil Donahue Show, and is regularly quoted in local and national newspapers* discussing various legal issues.

MEMBERSHIPS AND HONORARIUMS

Life Member - Judicial Conference of the United States Court of Appeals for the Sixth Circuit. Charter and Life Member - Judicial Conference of the Eighth Judicial District of Ohio. United States District Court Judge Donald C. Nugent appointed John as a Member of the Advisory Group to the United States District Court for the Northern District of Ohio. In 2009, Steven Dettlebach, United States Attorney for the Northern District of Ohio, appointed John to the U. S. Attorney Advisory Committee.

On May 6, 2000 John received the **Ellis Island Medal of Honor.**

Life Member - Justinian Forum, a professional organization for attorneys and judges of Italian heritage in Northern Ohio and also the Northern Ohio Italian-American Association ("NOIA").

In 1992 and 1997, the Center for Mental Retardation selected John to receive the Service to the Center Award. In 2003 he received an award for outstanding commitment to individuals with MR/DD. In 2006 he received the Above and Beyond Award from North Coast Community Homes. He currently serves as a member of the Board of Directors of

In 2008, Our Lady of the Wayside honored John with the Starlight Guardian Humanitarian Award – celebrating those who embrace the spirit of giving.

PERSONAL

John is married to Carolyn. John and Carolyn have two children, John and Nicole and two grandchildren, seven year old John Nicholas and two year old Athena Conlyn. John

M. is an attorney. He is one of the founders, President and CEO of Axial Biotech, a genetic research company in Salt Lake City, Utah. Axial Biotech discovered the gene which causes scoliosis and developed a DNA test to diagnose it. John's daughter, Nicole, is 36. Nicole is intellectually challenged, lives independently in a home John and Carolyn built for her and three other challenged adults and works four (4) days per week in John's office.

DENNIS R. WILCOX
Managing Principal

Dennis R. Wilcox is co-chairman of the Firm's Business and Corporate Law Group. Mr. Wilcox received his Bachelor of Arts Degree, Cum Laude, from the Ohio State University in 1974. Mr. Wilcox is a 1977 graduate of Case Western Reserve University School of Law where he was awarded the Order of the Coif. He joined the firm upon graduation. Mr. Wilcox has practiced in the areas of public finance, governmental law, University law, bankruptcy and creditors' rights, securities, real estate and commercial litigation for over 25 years.

Dennis was Special Counsel to Kent State University ("KSU") for twenty (20) years. As KSU's Special Counsel, Dennis was involved in a wide range of activity. Among the more unusual matters he handled, included the attempted shut down of the KSU Health Center Pharmacy by the Ohio State Pharmacy Board, which charged various actions of serious misconduct and illegal activity. Following a hearing lasting several weeks before the State Pharmacy Board, he successfully prevented the KSU Pharmacy from being shut down and agreed with the Pharmacy Board to correct some of the operating procedures at that facility. Dennis worked with KSU to ensure that no student's health care was compromised and that a full service health center remained on campus.

Reported Kent State University Case Decisions

Ivan v. Kent State University, 863 F. Supp. 581 (N.D. Ohio 1994); *State ex rel. Beacon Journal Publishing Co. v. Kent State University* (1993), 68 Ohio St.3d 40; *Chef Italiano v. Kent State University* (1989), 44 Ohio St.3d 86); and *Waliga v. Board of Trustees of Kent State University* (1986), 22 Ohio St.3d 55.

In the area of bonds and finance, Dennis has participated as bond, underwriter's or issuer's counsel for over $4 billion in financings. Mr. Wilcox has been a member of the National Association of Bond Lawyers since 1979. Mr. Wilcox is admitted to the bars of the State of Ohio and the District of Columbia. Mr. Wilcox serves as general counsel to the Cleveland-Cuyahoga County Port Authority and Gateway Economic Development Corporation of Greater Cleveland and was substantially involved in the Firm's representation in the Gateway Sports Complex, Rock and Roll Hall of Fame and Museum, Applied Industrial Technologies and Cleveland Browns Stadium projects. He also currently serves as a Member of Council in the City of Cleveland Heights. Dennis was recognized as an Ohio Super Lawyer from 2004 to 2008 and in 2012. Also, Dennis

was recognized in the 2012 Edition as one of Cleveland's Top Rated Lawyers® for Banking & Finance and Governmental Law.

JOHN A. PECA
President

In many senses, litigation in the courtroom and negotiation in the boardroom are two very different animals. While adept in both arenas, John A. Peca, President of the Firm, knows that legal proceedings outside of court require a different sort of legal sophistication, may not be suited for unpredictable, unrestrained battle in the boardroom."

As a principal member of the Climaco firm since 1980, Peca has managed negotiations of business transactions and litigation for international corporations, and local and regional enterprises and organizations. Prior to becoming President he was Managing Principal and also co-chaired the Firm's Corporate and Business Law department. Currently he manages the Firm's Class Action and Mass Tort practice.

Mr. Peca, who began his career as a certified public accountant, offers the Firm substantial experience in business, strategic, and financial issues.

A native of Cleveland, Mr. Peca received a Bachelor of Science degree in business administration, major in accounting from John Carroll University where he graduated number two in his class of accounting majors and his law degree from Case Western Reserve University's Franklin Thomas Backus School of Law.

In addition to membership in the Cleveland, Ohio State and American Bar Associations and the American Institute of Certified Public Accountants, Peca is admitted to practice before: the Supreme Court of the State of Ohio; United States Tax Court; United States District Court, Northern District of Ohio; District of Columbia Court of Appeals; United States District Court for the District of Columbia; United States District Court for Southern Texas; United States Court of Appeals for the District of Columbia, Second District and Sixth District and United States Supreme Court.

Mr. Peca is a member of the American, Ohio and Cleveland Bar Associations, Ohio Society of Certified Public Accountants and the American Association of Attorney-Certified Public Accountants. He has lectured and written extensively on ERISA, bankruptcy proceedings and small business organizations.

In addition to serving on several private company boards, he is secretary/treasurer of NOIA Foundation and a member of the Board of the Cleveland Clinic Children's Hospital, the Diocese of Cleveland Catholic Education Endowment Trust and Cleveland Central Catholic High School. He has served on the Boards of Gilmour Academy, Alta Social Settlement House, where he is a recent past president, Lyric Opera Cleveland, Neighborhood Centers Association and University Circle Incorporated.

On May 12, 2012, Mr. Peca received the Ellis Island Medal of Honor.

Mr. Peca was recognized in the 2012 Edition as one of Cleveland's Top Rated Lawyers® for Commercial & Business Law and Litigation

Mr. Peca has been active in the following Class Action, Mass Tort and Security Litigation matters:

In 2004, Mr. Peca assumed management of the Firm's Asbestos Practice which consisted of in excess of 3,000 clients.

In re Welding Fumes Products Liability Litigation, MDL No. 1535, Case No. 1:03-CV-17000, United States District Court for the Northern District of Ohio: He served as assistant to John R. Climaco in his capacity as Local Liaison Counsel. In this position in addition to managing the Firm's Welding Fume individual case docket of several hundred clients he assisted in pleading preparation, discovery and trial preparation. He also served as second chair in the bell weather welding fume trial of *Tamraz v. Lincoln Electric, et al.*, Civil Action No. 1:04-CV-18948, United States District Court of the Northern District of Ohio, Eastern Division, which resulted in a $20.5 million plaintiff's verdict, the largest of any welding fume trial verdict. In the course of welding fume litigation Mr. Peca deposed over 50 witnesses ranging from employers to co-workers and manufacturer witness, both fact and expert witnesses.

In re: Baycol Litigation Products Liability Litigation, United States District Court, District of Minnesota, MDL 1431: Mr. Peca supervised the administration of the Firm's multi-hundred individual cases from initial client intake and claim review and evaluation through litigation and settlement.

Gemelas v. The Dannon Company, Inc., Civil Action No. 1:08-CV-236, United States District Court, Northern District of Ohio, Eastern Division: Mr. Peca participated as a member of the Discovery Committee in this Class Action which resulted in a $45 million recovery and is reportedly the largest false advertising settlement based on unsubstantiated health claims. In the course of the litigation he reviewed analyzed and coding hundreds of documents and participated in the depositions of several key witnesses.

In Re: Scottish Re Group Securities Litigation, Master File No. 06 CV05853 (USDC S.D. New York): Peca served as a member of the discovery team. This matter settled for $37.5 million

In re Oral Sodium Phosphate Solution-Based ("OSPS") Products Liability Action, 1:09-SP-80000, 2009 WL 4404737 (N.D. Ohio Nov. 25, 2009): Mr. Peca assisted John R. Climaco in his role as liaison counsel in this major defective drug case that resulted in settlement payments to individuals in excess of $100 Million Dollars. Mr. Peca was charged with the responsibility to conduct confirmatory discovery on the adequacy of the settlement in relation to the Defendant's ability to pay. Mr. Peca's responsibility

included depositions of the key financial officers of the company and the Defendant's independent auditors.

Pfaff v. Whole Foods Inc., Civil Action No. 1:09-cv-02954-JG: Mr. Peca served as co-lead counsel in this class action alleging false and misleading advertising by Whole Foods Markets at their Ohio stores. Mr. Peca directed the discovery efforts relating to Defendant's sales records and information systems. The litigation was settled for monetary consideration equal to approximately four times the estimated class damages and additional equitable relief including advanced cashier training and revamped signage.

McKinney v. Bayer Corporation, et al., U.S. District Court, Northern District of Ohio, Eastern Division: Mr. Peca serves as Co-Lead Counsel.

Johns v. Bayer Corporation, et al., Case No.: 09-cv-1935, U.S. District Court, Southern District of California: Mr. Peca serves as Co-Lead Counsel.

Pogrebinsky v. POM Wonderful, et al., Civil Action No. 1:10-01455, United States District Court for the Northern District of Ohio, Eastern Division; *In re: POM Wonderful LLC* - MDL 2199: Mr. Peca serves on the Science Committee which has the responsibility to examine the scientific and medical support for health claims made by the manufacturer of POM Wonderful products.

In re: KABA Simplex Locks Marketing and Sales Litigation, Case No. 1:11-MD-02220 MDL No. 2220: Mr. Peca is serving as first assistant attorney to co-lead counsel John R. Climaco in the national class action. He has participated on the pleading committee and participation in discussions concerning a potential resolution of the case.

In re: Bayer Healthcare LLC and Merial Limited Flea Control Products Liability Litigation, United States District Court, Northern District of Ohio, MDL No. 2319: Mr. Peca serves on the Research Committee.

In re: Colgate-Palmolive Softsoap Antibacterial Hand Soap Marketing and Sales Practices Litigation, United States District Court, District of New Hampshire, MDL No. 2320, Mr. Peca serves on the Plaintiffs' Executive Committee.

In re: Dial Complete Marketing and Sales Practices Litigation, United States District Court, District of New Hampshire, MDL 2263: Mr. Peca serves on the Discovery and Pleading Committees.

In re: MI Windows and Doors, Inc. Products Liability Litigation, United States District Court, District of South Carolina, MDL No. 2333: Mr. Peca serves on the Plaintiffs' Executive Committee.

Eliason, et al. v. Gentek Building Products, Inc., et al., United States District Court, Northern District of Ohio, Eastern Division, Case No.: 1-10-cv-02093: Mr. Peca was appointed Plaintiffs' Liaison Counsel.

In re: Navistar 6.0 L Diesel Engine Products Liability Litigation, MDL No. 2223, Case No. 1:11-CV-2496, United States District Court for the Northern District of Illinois *(Morris v. Navistar, Inc. et al*, Civil Action No. 1:11-cv-02837).

THOMAS J. TARANTINO

Thomas J. Tarantino is a principal attorney in the law firm of Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A., where lends his expertise to the Firm in the areas of corporate and business law, investment adviser regulation, real estate, government law, and public finance. Mr. Tarantino has represented both private businesses and non-profit organizations in a wide range of complex transactions including asset acquisitions, stock transactions, mergers, commercial financing, franchise development and real estate acquisition and development. In addition, Mr. Tarantino regularly assists entrepreneurs and civic leaders in organizing new companies and non-profit organizations and providing continual advice and support on corporate governance matters.

As part of his public finance practice, Mr. Tarantino has participated as bond counsel in note and bond issuances of several state, local and quasi-governmental agencies. He has also acted as special counsel in the creation of enterprise zones, commercial reinvestment areas, and in special assessment proceedings. He participated in the Firm's representation as underwriters' counsel and issuers' counsel in numerous other transactions, including the Gateway Economic Development Corporation and Rock and Roll Hall of Fame and Museum projects.

Mr. Tarantino is admitted to the Supreme Court of Ohio, the United States District Court, Northern District of Ohio and the United States Court of Appeals for the Sixth Circuit. Mr. Tarantino is a member of the National Association of Bond Lawyers, the Ohio and Cleveland Bar Association. A Lake County resident, Mr. Tarantino is also a member of the Lake County Bar Association, where he serves on the Real Estate Committee.

Consistent with the Firm's commitment to community service and charitable support, Mr. Tarantino serves various area charitable and community organizations. In addition to his service as a board member and pro bono general counsel to several charities, Mr. Tarantino serves the citizens of Lake County as an appointed board member of the Lake County Board of Developmental Disabilities. Mr. Tarantino is also active in supporting charities devoted to addressing autism and other developmental disabilities.

DAVID M. CUPPAGE

Attorney David M. Cuppage adds a distinct blend of experience and talent to the Climaco firm in a number of legal areas. Skilled in commercial, real estate and environmental litigation as well as general corporate law, David's range of abilities makes him a valuable member of the firm's seasoned team.

A 1990 graduate of Cleveland-Marshall College of Law and former Judicial Clerk to Judge Francis E. Sweeney and Judge Donald C. Nugent at the Eighth District Court of Appeals, Ohio, Cuppage began his career with the Climaco firm in 1995. In that time, Cuppage has become involved in all aspects of the Firm's Litigation Department and the Commercial\Corporate Department. Cuppage has been involved in all aspects of commercial, intellectual property (trademark, copyright, and trade secret), municipal, business, securities, mass tort and class actions, real estate, construction, land use, appropriations, and employment litigation as well as providing advice, counseling and due diligence in general business, corporate, e-commerce and internet matters. Cuppage's practice in the area of environmental law includes advocacy, negotiation, counseling and litigation of CERCLA, RCRA, EPCRA, Clean Water Act, National Historic Preservation Act and other state and local environmental statutes.

Cuppage has participated in the litigation of many complex civil cases including the following representational and/or reported cases: *In re: Ford Motor Company Crown Victoria Police Interceptor Products Liability Litigation,* U.S. District Court, N.D. Ohio, Case No. 02-CV-1500; *In re OM Group, Inc. Securities. Litigation, Master File No. 02 CV 2163;* F*erro Corp. v. Blaw-Knox Food & Chem. Equip. Co.*, 2002 WL 31260495 (2002); *Millstein v. Millstein*, 2002 WL 31031676 (2002); *State ex rel. White v. Koch* (2002), 96 Ohio St. 3d 395; *Cleveland ex rel. O'Malley v. White* (2002), 148 Ohio App. 3d 564; *Olmsted Twp. Bd. of Trustees v. City of Berea* 2001 WL 1353668 (2001); *Mick Van Hoose, et al. v. City of Cleveland,* U.S. District Court, N. D. Ohio, Case No. 1:00 CV 0434; *Berea ex. rel. Ward v. Trupo* (2001), 141 Ohio App.3d 772; *United Church of Christ v. Gateway Economic Development Corp. of Greater Cleveland,* U.S. District Court, N.D. Ohio, Case No. 1:00 CV 0661 (2001); *Hauser v. Cleveland-Cuyahoga County Port Authority,* 2000 WL 709017; *Committee to Save the Hueletts v. USACE,* U.S. District Court, N.D. Ohio, Case No. 1:99 CV 3046 (2000); *Olmsted Twp. Bd. of Trustees v. City of Berea*, (1999) 134 Ohio App. 3d 688; *Liberty Steel Products, Inc. v. Francosteel Corp.*, 57 F. Supp. 2d 459 (1999); *Olmsted Twp. Bd. of Trustees v. City of Berea,* 1999 WL 528511 (1999); *Durocher Dock & Dredge, Inc. v. Cleveland-Cuyahoga County Port Authority,* Case No. 382262 (1999); *Automated Tracking Systems, Inc. v. Great American Ins. Co.* (1998), 130 Ohio App.3d 238.

Cuppage has lectured on various legal topics including year 2000 issues, intellectual property and environmental law for the Ohio CLE Institute, the Cleveland Bar Association, and the Business Law Series. He is also published on the year 2000 subject as well as internet related matters.

Cuppage is admitted to practice in Ohio; the U.S. District Court, Northern District of Ohio; and the U.S. Sixth Circuit Court of Appeals.

Active in the legal field, he is a member of the Cleveland Bar Association's Intellectual Property Law Committee, the Environmental Law Section and the Business and Banking Law Section, and the Ohio State Bar Association's Intellectual Property Law Section.

SCOTT D. SIMPKINS

Scott Simpkins joined the Climaco firm in 1999 as an associate in the firm's Litigation Group. He received his Bachelor of Arts degree in economics and political science from Ohio Wesleyan University in 1992 and his law degree from Capital University where he was a member of the Order of the Curia, Associate Editor of the Law Review and graduated *cum laude* in 1996.

Simpkins has been involved in myriad litigation matters including contract dispute, labor and employment, sales taxation, municipal law, legal malpractice, zoning and land use, ERISA and creditor claims in bankruptcy. His practice in these areas have ranged from client consultation, initial intake and evaluation of claims and defenses to prosecuting the claims and defenses at trial to appellate practice including representation before the Ohio Supreme Court. Simpkins has also represented numerous clients before various federal, state and municipal administrative agencies and legislative bodies including without limitation, the National Association of Securities Dealers and the State of Ohio Department of Taxation.

Both prior to his employment at the Climaco firm and during his tenure at Climaco, Simpkins has also been involved in prosecuting and defending various class action and multi-district litigation matters. These matters have included unpaid overtime compensation litigation, tobacco litigation, securities litigation and anti-trust litigation.

Simpkins is currently a member of the American and Ohio Bar Associations, and serves as an Assistant Arbitrator for the Cuyahoga County Court of Common Pleas. He is admitted to practice in the State of Ohio and before the United States District Courts for the Northern District of Ohio, the Southern District of Ohio, and the Eastern District of Michigan.

Relevant Securities Matters

In re: OM Group Securities Litigation, Case No. 02 CV-2163 (N.D. Ohio); *In re: Goodyear Tire & Rubber Company Securities Litigation*, Case No. 03 CV-2166 (N.D. Ohio); *Garlich v. Bowman, et al.*, Hamilton County Court of Common Pleas, Ohio, Case No. A 0302720; *In re Cooper Companies, Inc. Derivative Litigation*, Case No. 06-300 (CJC) (C.D. California); *In re Diebold ERISA Litigation*, Case No. 06 CV 170 (N.D. Ohio); *In re Keithley Instruments, Inc. Derivative Litigation*, Case No. 06 CV 2171 (N.D.

Ohio); *In re Scottish Re Litigation*, U.S.D.C. S.D. NY, Case No. 06-cv-5853 SAS (37.5 million global settlement).

Reported Decisions

Cooperrider v. Parker, 2003 WL 22015397 (Ohio App. 9 Dist. 2003); *Teagardin v. Metal Foils, LLC*, 2003 WL 1904042 (Ohio App. 11 Dist); *State ex rel. White v. Kilbane Koch*, 96 Ohio St. 3d 395 (2002); *City of Cleveland v. North Pacific Group, Inc.*, 2002 WL 1349205 (Ohio App. 8 Dist); *Payphone Ass'n of Ohio v. Cleveland,* 146 Ohio App. 3d 319 (2002); *In re OM Group Sec. Litigation*, 226 F.R.D. 579 (N.D. Ohio 2005); *U.S. S.E.C. v. Wilson*, 2005 WL 563173 (N.D. Ohio 2005).

STEWART D. ROLL

Dan Roll became a firm principal during 2007, after serving in that capacity for 16 years at his prior firm as chair of its litigation department. Mr. Roll obtained his BGS degree from Ohio University, and is a cum laude graduate of the Gonzaga University School of Law. His efforts recently resulted in a multi-million dollar award for one of his clients in the Ohio Supreme Court.

During the first 10-years of his practice, Mr. Roll served as assistant general counsel for a Fortune 500 corporation, supervising litigation and providing counsel in the purchase and sale of companies and license of technology, while traveling throughout North and South America, Europe, Asia, and India.

Mr. Roll also serves as an arbitrator resolving commercial disputes for the American Arbitration Association and National Arbitration Forum. He is admitted to practice before the United States Supreme Court, the U.S. 3rd and 6th Circuit Courts of Appeal, the U.S. District Courts for Connecticut, Eastern and Southern Districts of New York, Western District of Pennsylvania and Northern District of Ohio, and is licensed to practice law in Connecticut, Ohio and Pennsylvania. He is also a member of the American Bar Association and Ohio Bar Association, serving on several committees.

Mr. Roll was recognized in the 2012 Edition as one of Cleveland's Top Rated Lawyers® for General Practice Law.

Mr. Roll has served as a member of the Board of Directors of the Hudson, Ohio Chamber of Commerce, has served on the Hudson planning and zoning commission, and has been active in Rotary and Kiwanis. Mr. Roll is a FAA licensed instrument-rated pilot, and enjoys flying his own airplane. He also served our country in the U.S. Air Force.

Associates:

DAWN M. CHMIELEWSKI

Dawn M. Chmielewski is a member of the firm's Litigation Section. She received her Bachelor of Science in Nursing degree from the University of Akron in 1996. Ms. Chmielewski received her law degree from Cleveland-Marshall College of Law, graduating *magna cum laude* in 2004. Prior to her employment at the Firm, Ms. Chmielewski worked as a registered nurse for eight years. She is experienced in both cardiac and emergency nursing. Since coming on board with the Firm, she has been working in the area of Mass Torts and Personal Injury. In particular, Ms. Chmielewski works as Liaison Counsel in Welding Fume litigation, in both federal MDL 1535 (USDC Northern District of Ohio, Eastern Division) and Cuyahoga County Consolidated Case No. 531703. She was a member of the trial team representing Plaintiff Jeff Tamraz in the MDL welding fume case, *Tamraz v. Lincoln Electric Co. et al.* 1:04cv18948, which resulted in a $20.5 million Plaintiff's verdict. As co-counsel, Dawn took many of the key medical and scientific depositions and cross-examined Defendants' Medical Experts during trial. She also works on Vioxx MDL 1657 (USDC Eastern District of Louisiana), Celebrex and Bextra MDL 1699 (USDC Northern District of California), Guidant MDL 1708 (USDC District of Minnesota), Serzone MDL 1477 (USDC Southern District of West Virginia, Charleston Division); Propulsid MDL 1355 (USDC Eastern District of Louisiana); and Digitek MDL 1968 (USDC Southern District West Virginia).

Ms. Chmielewski is a member of the Ohio State Bar Association and is also a Registered Nurse.

MARGARET M. METZINGER

Maggie has been a trial attorney for more than 15 years. She is a member of the Litigation Section and she successfully represents clients, both individuals and businesses, in a wide variety of complex civil cases, including class actions, mass torts, divorce, and custody disputes. Maggie also has significant experience in probate and estate planning.

REPRESENTATIVE EXPERIENCE:

In re: Bayer Healthcare LLC and Merial Limited Flea Control Products Liability Litigation, United States District Court, Northern District of Ohio, MDL No. 2319: Liaison Counsel. *In re: Actos (Pioglitazone) Products Liability Litigation*, United States District Court, Western District of Louisiana, MDL No. 2299. *In re: Colgate-Palmolive Softsoap Antibacterial Hand Soap Marketing and Sales Practices Litigation,* United States District Court, District of New Hampshire, MDL No. 2320, Discovery Committee. *In re: Dial Complete Marketing and Sales Practices Litigation*, United States District Court, District of New Hampshire, MDL 2263: Discovery Committee. *In re: Imprelis Herbicide*

Marketing, Sales Practices and Products Liability Litigation, United States District Court, Eastern District of Pennsylvania, MDL No. 2284. *In re: POM Wonderful LLC Marketing and Sales Practice Litigation*, United States District Court, Central District of California, MDL No. 2199. *In re: MI Windows and Doors, Inc. Products Liability Litigation,* United States District Court, District of South Carolina, MDL No. 2333: Briefing Committee.*In re: Vioxx® Products Liability Litigation*, United States District Court, Eastern District of Louisiana, MDL No. 1657: General Litigation. *In re: Baycol Litigation Products Liability Litigation*, United States District Court, District of Minnesota, MDL 1431. *In re: Rezulin Products Liability Litigation*, United States District Court, Southern District of New York, MDL No. 1348: Research Committee. *KeyBank, N.A. v. MRN Ltd. Partnership,* 193 Ohio App.3d 424: Second Chair Trial Counsel. *In re: Scottish Re Group Securities Litigation*, 524 F. Supp.2d 370 (S.D.N.Y. 2007): Discovery Committee. *James W. McHale v. Weston, Inc.,* Cuyahoga County Common Pleas Court (2004): Second Chair Trial Counsel. *Millstein v. Millstein,* 2002 WL 31031676 (2002): Second Chair Trial Counsel. *O'Malley v. O'Malley,* Cuyahoga County Common Pleas Court (2008-2012): Lead Trial Counsel.

EDUCATION AND BAR ADMISSIONS:

Maggie received her Bachelor of Arts degree from Hiram College in 1987, and her Juris Doctor from Cleveland-Marshall College of Law in 1995. She is an active member of the Ohio State Bar Association and the Cleveland Metropolitan Bar Association. Maggie is admitted to practice in the State of Ohio; the U.S. District Court, Northern District of Ohio; U.S. District Court, Southern District of Ohio; the U.S. Sixth Circuit Court of Appeals; the U.S. District Court, Western District of Pennsylvania and the U.S. Third Circuit Court of Appeals.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE:

In 2012, Maggie was instrumental in bringing the Judicial Panel on Multi-District Litigation ("JPML") to Cleveland where the JPML conducted its bi-monthly hearing for the first time. She planned and organized the three-day event along with judges from the Northern District of Ohio , members of the Federal Bar Association and the Cleveland-Metropolitan Bar Association.

Also in 2012, Maggie was appointed as a Planning Committee Member for The Arc, Greater Cleveland's Fiftieth Anniversary Gala. The Arc of Greater Cleveland is the local chapter of The Arc, the world's largest grassroots organization of and for people with intellectual and developmental disabilities.

Maggie was recently approved by the Supreme Court of Ohio as a Mentor for its Lawyer to Lawyer Mentoring Program, a program designed to elevate the competence, professionalism and success of new Ohio lawyers by improving lawyering skills including listening and communication skills, ethical considerations and emphasizing the importance of community involvement.

Since 2006, Maggie has served on the Board of Directors of Hattie Larlham Community Living, ("HLCL"), a non-profit agency committed to enhancing the quality of life for people with severe and profound disabilities through its commitment to education, comfort, joy and achievement . HLCL provides services for the families of people with severe and profound disabilities and it also serves people with Autism, providing job training and skills for independent living. Maggie is also an active fundraiser and participant in various events for the Juvenile Diabetes Research Foundation and Susan G. Komen for the Cure. Maggie has also volunteered her legal services for various community organizations such as The Arc, Greater Cleveland; the Youth of Coventry, Inc.; Renaissance Cleveland Volleyball Club, Inc. and Hattie Larlham Foundation.

PATRICIA M. RITZERT

Patricia Ritzert has over 30 years of legal experience. She is extensively involved In the Governmental Law and Public Finance and Business Law areas.

Her experience includes local government issues comprising employment, land use, taxation and finance, claims for and against townships and municipalities, and matters pertaining to non-profit organizations. Another area of concentration for Ms. Ritzert has been property rights and real estate development. On several occasions she has served as independent outside counsel in the investigation or prosecution of alleged misconduct by municipal employees.

Admitted to practice in the United States Supreme Court, the United States Tax Court, the U.S. Court of Federal Claims, the Ohio Supreme court, the U.S. District court for the North District of Ohio and the U.S. Sixth Circuit Court of Appeals, she has carried business, financial, tax, property and employment issues through litigation in a wide variety of situations. She also practices before the Internal Revenue Service and the Ohio Board of Tax Appeals, Ohio State Employment Relations Board and other administrative agencies.

In addition to a bachelor of arts in economics (magna cum laude), Ms. Ritzert has obtained two post-juris doctor degrees: a master of tax accounting from the University of Akron and an LL.M. in Taxation from Case Western Reserve University School of Law (magna cum laude). Ms. Ritzert has been a presenter at the Cleveland Tax Institute, and is currently an adjunct professor teaching partnership and corporate taxation in Cleveland-Marshall School of Law at Cleveland State University.

PATRICK G. WARNER

Mr. Warner received his law degree from Capital University Law School in Columbus, Ohio where we was a member of the Order of the Curia and graduated *cum laude*. While attending law school, Mr. Warner was the recipient of a scholarship given to the

student who had the best academic performance while working full time outside of law school. Prior to receiving his law degree, Mr. Warner received a Bachelor of Science from The Ohio State University.

Prior to joining the firm, Mr. Warner was a partner and an associate attorney at several prominent class action law firms. He concentrated his practice in complex class actions, securities arbitrations and shareholder derivative litigation. Mr. Warner participated as class counsel in a wide variety of class action litigation including cases involving millions of consumers. A few of the complex class action cases in which Mr. Warner has participated as counsel include *In re Ipod nano* cases, (co-lead counsel in federal Multi District Litigation); *Martino et al. v. Motorola Inc.*, (co-lead counsel in nationwide consumer class action); *Opperman, et al. v. Verizon Wireless, Inc.*, (co-lead counsel in nationwide consumer class action); *Heitbrink, et al. v. eMachines Inc.*, (co-lead counsel in nationwide consumer class action); *Wiatrowski, et al. v. Sears, et al.*, (co-lead counsel in nationwide consumer class action); *Kreidler, et al. v. Western Southern Life Insurance Co.* (lead counsel in Nationwide Life Insurance churning/vanishing premium class action), *Cope, et al. v. Metro. Life Ins. Co.*, 82 Ohio St.3d 426 (1998) (counsel in landmark Ohio Supreme Court class certification case); *Moody, et al. v. American General Life and Accident Insurance Company, et al.* (counsel in Nationwide Life Insurance churning/vanishing premium class action); *In re Structural Dynamics* (counsel in nationwide securities class action); *In re Rio Hair Products* (counsel in nationwide consumer class action); *Jenkins v. Hyundai Motor Finance Company*, Case No. 02:04-CV-720 (S.D. Ohio)(Class counsel for Ohio residents who did not receive the post-repossession notice mandated by the UCC); *Health Science Products LLC. v. Sage Software SB, Inc.*, Case No. 1:05-CV 03329 (N.D. Ga.)(Class counsel in a nationwide class action alleging defective software); *Schweinfurth, et al. v. Motorola, Inc.*, Case No. 1:05-CV-0024 (N.D. Ohio)(Class counsel in nationwide class action alleging defective cellular phones).

Mr. Warner works in the Firm's Columbus office and participates in the Firm's litigation practice and business transactional practice. Mr. Warner is admitted to the United States District Court for the Southern District of Ohio, the United States District Court for the Northern District of Ohio, the United States District Court for the Central District of Illinois, as well as the Supreme Court of Ohio and all other Ohio state courts.

Mr. Warner works in the Firm's Columbus office and participates in the Firm's litigation practice and business transactional practice. Mr. Warner is admitted to the United States District Court for the Southern District of Ohio, the United States District Court for the Northern District of Ohio, the United States District Court for the Central District of Illinois, as well as the Supreme Court of Ohio and all other Ohio state courts.

TIMOTHY W. CLARY

Timothy is a member of the firm's Litigation Section, focusing on complex civil litigation, commercial litigation and class actions. Having joined the Firm initially in 2006, he later worked as a law clerk at the Firm while attending law school full time. Timothy

graduated from the Cleveland-Marshall College of Law in 2011. He received his B.A. from John Carroll University and is a graduate of St. Ignatius High School.

Timothy is admitted to practice in the State of Ohio and the U.S. District Court, Northern District of Ohio. He is a member of the Ohio State Bar Association and the Cleveland Metropolitan Bar Association, as well as a life member of the National Eagle Scout Association.

JOSEPH M. MUSKA

Joseph M. Muska is an associate attorney in the Civil Litigation, Business Law and Class Action practice groups of Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A. in Cleveland, Ohio. Joe takes pride in developing and implementing innovative strategies for his clients, enabling them to efficiently achieve their personal and business goals.

Joe's litigation practice focuses on representing individuals and businesses in business and commercial disputes, including product liability and securities lawsuits. Additionally, Joe advises start-up companies and small to medium-sized businesses on corporate governance matters. His class action and multidistrict litigation practice includes representing individuals and entities in complex commercial and contractual disputes. Joe is licensed to practice law in the state of Ohio and the Northern District of Ohio. He is a member of the Ohio State Bar Association, the Cleveland Metropolitan Bar Association, and the Legal Marketing Association.

Joe joined Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A. when he was a senior in high school as a law clerk and, for over 7 years, he gained legal experience in complex state, federal and multidistrict court litigation. Also, Joe's experience with the United States Department of Commerce, Commercial Service expanded his knowledge of international trade and development.

Joe received his J.D. (cum laude) from Cleveland-Marshall College of Law in 2012. While at Cleveland-Marshall, he served as a criminal law teaching assistant where he developed and executed programs to teach and cultivate analytical skills to first year law students. Joe received his B.A. (cum laude) in Economics in 2009 from Xavier University, where he was the recipient of the Fr. Peter J. Buschmann Award, which recognized his superior academic, leadership and service achievements. Joe is a graduate of St. Edward High School in Lakewood, Ohio. Since 2010, Joe has been involved with the Legal Aid Society of Cleveland. Also, he serves as a representative for the St. Edward Alumni Association.