

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

ROBERT HURWITZ, on Behalf of Himself)	Case No.: 1:15-cv-00711-MAK
and All Others Similarly Situated,)	
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
v.)	
)	
ERIC MULLINS, CHARLES W. ADCOCK,)	
JONATHAN C. FARBER, TOWNES G.)	
PRESSLER, JR., JOHN A. BAILEY,)	
JONATHAN P. CARROLL, SCOTT W.)	
SMITH, RICHARD A. ROBERT, W.)	
RICHARD ANDERSON, BRUCE W.)	
MCCULLOUGH, and LOREN)	
SINGLETTARY,)	
)	
Defendants.)	

**DECLARATION OF BLAKE A. BENNETT IN SUPPORT OF CLASS COUNSEL'S
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES AND
CLASS REPRESENTATIVE'S SERVICE AWARD**

I, BLAKE A. BENNETT, declare as follows:

1. I am a Director of the firm of Cooch and Taylor, P.A ("Cooch and Taylor"). I am submitting this declaration in support of my firm's application for an award of attorneys' fees and expenses/charges ("expenses") in connection with services rendered in the above-entitled action.
2. This firm is counsel for Class Representative Robert Hurwitz and also Court-appointed Liaison Class Counsel.
3. The information set forth in this declaration regarding my firm's time and expenses is taken from time and expense printouts and supporting documentation prepared and/or maintained by my firm in the ordinary course of business. I am the partner who oversaw and conducted the day-today activities in the litigation, and I reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of my review was to confirm both the accuracy of the entries on the

printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. As a result of this review, reductions were made to both time and expenses in the exercise of billing judgment. As a result of this review and the adjustments made, I believe that the time reflected in my firm's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

4. After the reductions referred to above, the number of hours spent on the litigation of this Action by my firm up to and including July 25, 2018 is 138.60. The lodestar amount for attorney time based on my firm's current rates is \$81,660. The hourly rates shown below are the usual and customary rates charged for each individual in all of our cases. The hourly rates for the attorneys included in this schedule are the same as the regular current rates counsel would charge for their services in non-contingent matters or that have been submitted to or approved by other courts.

5. A breakdown of the loadstar for my firm is as follows:¹

Time Report – Inception through 7/25/18

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Blake A. Bennett	(P)	133.60	\$600.00	\$80,160.00
Dean R. Roland	(A)	5.00	\$300.00	\$1,500.00
GRAND TOTAL		138.60		\$81,660.00

(P) Partner

(A) Associate

¹ This schedule was prepared from contemporaneous, daily time records prepared and maintained by my firm.

6. From the inception of Liaison Class Counsel's involvement, Cooch and Taylor has incurred a total of \$1,216.84 in unreimbursed expenses in connection with the prosecution of this Action, as follows:

Expenses/Charges – Inception through 7/25/18

<i>CATEGORY</i>	<i>TOTAL</i>
Photocopies	\$318.00
Transportation & Meals	\$95.28
Online Legal and Financial Research	\$44.30
Messenger Services	\$60.00
Filing fees (including <i>pro hac vice</i> admission)	\$450.00
Service of Process	\$45.00
Teleconference Service for telephonic hearing	\$58.32
Vendor services (printing, binding, delivery)	\$145.94
<i>TOTAL</i>	<i>\$1,216.84</i>

7. The expenses incurred in this Action are reflected on the books and records of Liaison Class Counsel. These books and records are prepared from receipts, expense vouchers, check records, and other documents and are an accurate record of my firm's expenses.

8. The identification and background of my firm and its partners is attached hereto as Exhibit 1.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of November, 2018 at Wilmington, Delaware.

/s/ Blake A. Bennett

 BLAKE A. BENNETT

EXHIBIT 1

COOCH AND TAYLOR P.A.

EDWARD W. COOCH JR.
1920-2010

DONALD C. TAYLOR
1930-2005

C. SCOTT REESE
ROBERT W. PEDIGO
BLAKE A. BENNETT
JAMES W. SEMPLE
PAULA C. WITHEROW
CHRISTOPHER H. LEE
R. BRUCE MCNEW
R. GRANT DICK IV

ATTORNEYS AT LAW

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10TH FLOOR
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DEAN ROLAND

THE FIRM

Cooch and Taylor, one of Wilmington's oldest and most respected law firms, was founded in 1960 by Edward W. Cooch, Jr. and Donald C. Taylor. Today it maintains a growing practice specializing in civil litigation. Its diverse practice serves the local community as well as national entities.

Cooch and Taylor's Mission Statement best describes its overall approach to the practice of law:

To provide prompt and competent legal services to the Firm's clients in a professional manner in keeping with the highest standards of the legal profession at a cost that is fair both to the clients and to the lawyers and staff of the Firm.

To maintain a working environment for the lawyers and staff of the Firm which will enable and encourage each individual to mature and grow both as a professional and as an individual.

To encourage lawyers and staff to actively participate in professional and civic activities which will improve the competency, ethics and efficiency of the legal profession and the quality of life for all people.

The Firm has an established reputation for outstanding client service and an unrivaled work environment.

PRACTICE AREAS

Litigation

The professionals in Cooch and Taylor's Litigation Department have years of experience in the prosecution and defense of civil litigation. They regularly represent institutional and individual investors, national corporate clients, and local businesses in the full range of litigation in the Delaware courts. The Firm frequently relies upon its unique resources and experience in prosecuting class action and shareholder derivative actions in the Court of Chancery, the Delaware Supreme Court, and the District Court of Delaware.

Business and Commercial Bankruptcy

Cooch and Taylor's Business and Commercial Bankruptcy practice has evolved and expanded during the last thirty years from primarily the representation of liquidating trustees to include broad involvement in a significant number of large Chapter 11 cases filed in the District of Delaware. While handling sophisticated matters, the Firm's bankruptcy attorneys pride themselves on providing personalized service to all their individual and corporate clients.

The practice has benefited from the leadership, knowledge and experience of Jeffrey L. Burtch, who previously lead the department and served as a panel Chapter 7 trustee for over 15 years. Through its representation of Mr. Burtch, as well as other trustees and plan administrators, the department developed expertise in handling liquidation proceedings and many reorganizational and other commercial issues.

The bankruptcy attorneys also represent a broad array of creditors in Chapter 11 cases including secured and unsecured creditors, trade creditors, landlords, equipment lessors, governmental entities and others. They also represent parties in multiple types of bankruptcy litigation matters before the United States Bankruptcy Court, the United States District Court and the Third Circuit Court of Appeals. They have been involved in thousands of preference and fraudulent conveyance actions. Through these representations, the department has become adept at handling liquidation proceedings as well as reorganizational and other commercial, transactional and litigation issues.

In addition to the direct representation of clients, the department also provides Delaware local counsel services for out-of-state lawyers.

ATTORNEYS

BLAKE A. BENNETT
Director

EDUCATION

University of Delaware, B.A., 2001
Thomas Jefferson University Medical College, 2002-2004
Widener University School of Law, J.D., 2008, (Delaware Journal of Corporate Law, Moot Court Honor Society, Order of Barristers)

ADMISSIONS

Delaware, 2008
U.S. District Court for the District of Delaware, 2009

MEMBERSHIPS

American Bar Association
Delaware State Bar Association
Rodney Inn of Court

PROFESSIONAL EXPERIENCE

Mr. Bennett focuses his practice primarily on litigating corporate governance matters, regularly representing institutions and individuals in class and derivative actions. He has significant experience representing shareholders in Delaware's Court of Chancery, the United States District Court for the District of Delaware, and Delaware's Supreme Court.

In addition to appearing before all of Delaware's trial courts, Mr. Bennett has successfully briefed and/or argued several appeals before the Delaware Supreme Court. Prior to joining Cooch and Taylor, Mr. Bennett completed a one year clerkship for Chief Justice Myron T. Steele of the Delaware Supreme Court.

REPRESENTATIVE ACTIONS

Professional Investigating and Consulting Agency, dba PICA, v. Hewlett Packard Company, Superior Court of Delaware Complex Commercial Litigation Division: Successfully represented brand protection and supply chain management company in claim against HP for trade secret misappropriation, breach of the implied covenant of good faith and fair dealing, and defamation. After a three week trial, the jury awarded \$6,518,000 in damages, and the trial judge also awarded over \$1,000,000 in attorneys' fees.

JVSW LLC v. Saladworks LLC et al., Delaware Court of Chancery and United States Bankruptcy Court for the District of Delaware: Successfully represented majority owner in dispute concerning breach of contract, breach of fiduciary duty, and unjust enrichment.

Ponzio et al. v. Preston et al., Delaware Court of Chancery: Successfully represented minority stockholders in claim against Velcera Inc.'s board of directors for breach of fiduciary duty by illegally transferring more than 80% of Velcera's equity to certain investors without informing the public shareholders and then selling the company. Pursuant to the original terms of the merger, holders of the type of shares held by Plaintiffs and the members of the settlement class were to receive between \$3.4 million and \$4.9 million of the purchase price. As part of a settlement, those stockholders received another \$3,850,000.

AJZN Inc. v. Donald Yu, et al., United States District Court for the District of Delaware: Successfully represented warrant holder in breach of fiduciary duty and unjust enrichment claims. After a three day bench trial, the parties reached a settlement agreement.

R. GRANT DICK IV
Director

EDUCATION

Virginia Tech, B.S., 2004

University of Richmond, T.C. Williams School of Law, J.D., 2007

ADMISSIONS

New Jersey, 2007

Delaware, 2008

PROFESSIONAL EXPERIENCE

Mr. Dick focuses his practice primarily on commercial bankruptcy matters, including general bankruptcy litigation, claims issues, and seeking relief from the automatic stay. He serves as lead counsel in several corporate Chapter 7 cases and has significant experience prosecuting and defending preferences/avoidance actions.

CHRISTOPHER H. LEE

Director

EDUCATION

Clemson University, B.S., 2001

Widener University School of Law, J.D., 2008 Order of the Barristers

ADMISSIONS

Delaware, 2008

U.S. District Court for the District of Delaware, 2009

MEMBERSHIPS

American Bar Association

Delaware State Bar Association

PROFESSIONAL EXPERIENCE

Christopher Lee is a Director in the Litigation Department and is a Martindale-Hubbell AV rated trial attorney who has successfully represented clients in Delaware's state and federal courts. Mr. Lee's practice focuses on trade secret disputes, professional liability, construction litigation and toxic tort matters, representing clients in both litigation and arbitration. His experience ranges from depositions of fact and expert witnesses to motion practice to settlement evaluation, jury screening, settlement negotiations and trial. Mr. Lee represents clients in Delaware courts both directly and as local counsel for regional and national litigation teams and he has significant first chair trial experience in all of Delaware's courts.

Additionally, Mr. Lee is often requested to write and speak on different areas in which he practices.

Representative Matters:

- *Atlantic Medical Specialists v. Gastroenterology Associates, P.A., et. al.*: Obtained summary judgment on behalf of five individual owners/employees of a gastroenterology practice on a trade secret misappropriation claim - April 2017 (some claims remain against practice only)
- *Dolfi, et al. v. Anderson Homes, Inc.*: Obtained a \$180,000 jury verdict as first chair trial attorney on behalf of four individual homeowners after a four day negligent construction/negligent supervision trial – October 2016;
- *AJZN, Inc. v. Great American Life Insurance Co.*: Obtained a significant settlement offer as first chair trial attorney after a three day fraudulent breach of fiduciary duty trial – May 2016;
- *PICA v. Hewlett Packard, Co.*: Obtained a \$6,518,000 jury verdict as first chair trial attorney on behalf of client after a three week misappropriation of trade secrets trial – October 2014, affirmed on appeal Dec. 4, 2015;

- *Varela, et. al, v. Eclipse Aviation Corp.*: Obtained summary judgment on behalf of Defendant Eclipse in a multimillion dollar Worker Adjustment and Retraining Notification class action claim – November 2014;
- *Banks v. Pneumo Abex, LLC*: Obtained summary judgment on behalf of Defendant Pneumo Abex in an asbestos related lung cancer case with significant product identification under Mississippi law – November 2014.
- *Post v. Kaonetics Technologies, Inc.*: Obtained a substantial settlement in favor of Plaintiff in a multiple breach of contract action regarding bridge loan agreements – May 2014.

Additionally, Mr. Lee is a Co-Executive Director of Piper's Kidney Beans Foundation, which is a non-profit foundation which raises money for the creation and expansion of a comprehensive next generation genetic sequencing panel for steroid-resistant nephrotic (kidney) syndrome at the A.I. duPont Hospital for Children.

R. BRUCE MCNEW

Director

EDUCATION

University of Virginia B.A., 1975 with Distinction Economics and Political Science
Marshall-Wythe School of Law, College of William and Mary, J.D., 1979

ADMISSIONS

Delaware, 1979
Pennsylvania, 1984
California, 1990

PERSONAL AND COMMUNITY ACTIVITIES

Office of Child Advocate, Volunteer
Kennett Area YMCA, Past Board Member
Delaware Center for Horticulture, Past Board Member

PROFESSIONAL EXPERIENCE

Bruce McNew was admitted to practice in Delaware in 1979 and subsequently was admitted in Pennsylvania and California. His practice focusses on litigation representing the rights of investors and on other complex commercial disputes in state and federal courts nationwide, including in the Delaware Court of Chancery. Bruce regularly represents plaintiffs in class actions and derivative suits. He has also represented plaintiffs in other complex litigations in the areas of securities law, environmental law, insurance law and labor law. In his career, Bruce has conducted jury and non-jury trials, arbitrations and handled appeals in various states, including before the Delaware Supreme Court, and in Federal Courts of Appeal. Bruce has been involved in cases resulting in the recovery of hundreds of millions of dollars for investors.

Bruce is a 1979 graduate of the Marshall Wythe School of Law, the College of William and Mary, where he served as Research Editor of the Law Review, and a 1975 graduate of The University of Virginia where he graduated with distinction. Prior to joining the Firm, Bruce had been a partner in several firms, as well as a sole practitioner. He began his career clerking for the Honorable John J. McNeilly, Justice of the Supreme Court of Delaware and as an associate at a major Delaware firm . He is admitted to practice in the States of Delaware, Pennsylvania and California, the Federal District Courts for the District of Delaware, the Eastern District of Pennsylvania and the Northern, Central, Eastern and Southern Districts of California, the United States Court of Appeals for the Third, Tenth and Eleventh Circuits and the Supreme Court of the United States.

Bruce is currently lead counsel in actions for breach of fiduciary duty in the Court of Chancery relating to going private transactions, a self-tender, and appraisal rights and in an action in the Superior Court of California challenging a Reverse Stock Split and going private plan. He also appears in the Delaware Superior Court. He has successfully tried actions seeking books and records before the Court of Chancery. Bruce's concluded engagements have included:

- Lead counsel in Buttonwood Tree Value Partners LP v. Smith, C.A. No. 08-CV-2963 (Circuit Ct. Wisconsin 2010), resulting in a recovery valued at \$54 million.
- Sole Derivative counsel in the trial of Hollinger Int'l Inc. v. Black, 844 A.2d 1022 (Del. Ch. 2004) which resulted in recovery of \$50 million.
- Sole counsel to shareholders in Franklin Balance Sheet Investment Fund v. Crowley, 2007 WL2495018 (Del. Ch. 2007), which resulted in a benefit to minority shareholders of \$37.25 million.
- Co-lead counsel to shareholders in In re Best Lock Corp. Shareholder Litigation, 845 A.2d 1057 (Del. Ch. 2001) which resulted in a recovery in excess of \$60 million.
- Co-lead counsel in In re Pure Resources Inc., Shareholders Litigation, 808 A.2d 421 (Del. Ch. 2002) resulting in a judgment requiring additional material disclosures to shareholders.
- Lead Counsel in Kathryn Casey, et al. v. George G. Brennan, et al., Consol. Docket No. UNN-C-180-97 (Superior Ct., NJ), resulting in a judgment of approximately \$12.5 million on behalf of minority stockholders who were subjected to a freeze out merger.
- Lead trial counsel in Glassman v. UNOCAL Exploration Corp., 777 A.2d 242 (Del. Supr. 2001), which was immediately recognized as resolving significant issues of Delaware Corporate law and continues to have a substantial impact on mergers and acquisitions practices.

ROBERT W. PEDIGO

Director

EDUCATION

Andrews University, B.A., 1981

Andrews University Theological Seminary, Masters of Divinity, 1984

The Pennsylvania State University Dickinson School of Law, J.D. 2000, Woolsack Honor Society

ADMISSIONS

Delaware, 2001

U.S. District Court for the District of Delaware, 2001

MEMBERSHIPS

American Bar Association

Delaware State Bar Association

American Bankruptcy Institute

PROFESSIONAL EXPERIENCE

Mr. Pedigo's specialty is prosecuting preference litigation. In his representation of various Chapter 7 Trustees, he has analyzed records involving several thousand potential avoidance actions, worked with financial advisors in the analysis of litigation issues, organized demand letters and coordinated attorneys and staff to bring to a successful resolution preference litigation in cases in the United States Bankruptcy Court for the District of Delaware involving the following companies: Allied Digital, American Pad and Paper, American Iron, Bolder Technologies, BVL Holdings, Cerplex, Circle Y, Cybersight, Factory 2-U Stores (active), General Rental, J. Silver Clothing (active), NVF Company, O-Cedar, Worldwide Medical, Talkpoint Communications, and Tower Records (active). Mr. Pedigo has developed litigation cases involving breach of fiduciary duty, aiding and abetting, equitable subordination, recharacterization, deepening insolvency, malpractice of professionals, disgorgement, fraudulent transfers and antitrust issues under the Sherman Act. He developed a major antitrust litigation, presently active, against 8 of the 10 largest factoring companies in the garment industry, Jeffrey L. Burch, Chapter 7 Trustee for Factory 2-U Stores, Inc. v. Milberg Factors, Inc., Capital Factors, Inc., The CIT Group/Commercial Services, Inc., GMAC Commercial Finance LLC, HSBC Business Credit (USA) Inc., Rosenthal and Rosenthal, Inc., Sterling Factors Corporation, and Wells Fargo Century Inc., in the United States District Court for the District of Delaware, C.A. No. 07-556. Mr. Pedigo has defended numerous companies in various bankruptcy matters including preference litigation and claims resolution in cases involving Centennial Coal, Clark Material, Discovery Zone, Budget Rental, Fleming, Imperial Decor, IT Group, Hechinger, Just For Feet, KB Toys, Logo Athletic, M Group, Montgomery Ward, Oakwood, SunHealthcare, Teleglobe, TWA and Zany Brainy.

C. SCOTT REESE

Director

EDUCATION

Colgate University, B.A., 1978

Widener University School of Law, J.D., 1981

ADMISSIONS

Delaware, 1981

U.S. District Court for the District of Delaware, 1981

Supreme Court of Delaware, 1981

U.S. Court of Appeals for the Third Circuit, 1981

MEMBERSHIPS

American Bar Association

Delaware Bar Association

Defense Research Institute

Defense Counsel Of Delaware

PROFESSIONAL EXPERIENCE

ASBESTOS LITIGATION - Lead counsel in Delaware representing manufacturers of numerous products such as insulation, textiles and equipment. Responsibilities include case management, discovery, depositions and trials from 1983 to present.

ASBESTOS LITIGATION - Trial counsel in Baltimore, Maryland, for 26 consolidated cases referred to as the ABATE mini-trial.

CONSTRUCTION LITIGATION - Counsel in Delaware for large developer of Bethany Beach resort. Condominium council brought claims against developer, supplier and architects;

Counsel for condominium complex council against developer and builder of condominium complex in Wilmington, Delaware.

Approximately 20 trials, most lasting more than 2 weeks - 2 months.

<u>Date</u>	<u>Case Name</u>	<u>Length of Trial</u>	<u>Result</u>	<u>Judge</u>
1983	MacGuigen v. GM	3 Days	Verdict	Stiftel
1987	George v. RM	10 Weeks	Verdict	Taylor
1988	Temple v. RM	3 Weeks	Verdict	Taylor
1988	Temple v. RM	4 Weeks	Verdict	Taylor
1989	Farrell v. Celotex	8 Weeks	Verdict	Taylor
1990	Freeman v. Condominium	4 Weeks	Verdict	Del Pesco

	Council			
1995	Smoot v. QBW	10 Days	Verdict	Babiarz
1996	Kempe v. Electrolux ¹	2 2 Weeks	Verdict	Schwartz
1996	Ely v. Lenscrafters	2 2 Weeks	Verdict	Bifferato
1998	Dorset v. Stoltz	3 Weeks	Settled	Del Pesco
1999	Francine v. Stoltz	1 Day	Verdict	Lucas
1999	Lucas v. Christiana Skating	1 Week	Verdict	Bifferato
1999	Hibble v. Mack	3 Weeks	Settled	Herlihy
1999	Lingafelt v. Ryder	2 Weeks	Verdict	Bifferato
1999	Stoltz v. Leslie Orr	2 Weeks	Settled	Babiarz
1999	Edwards v. Ryder	3 Days	Verdict	Alford
2000	Ellinger v. AC and S ²	6 Weeks	Verdict	Murdock
2000	Hollis v. PCC	5 Weeks	Verdict	Babiarz
2002	Parish v. Ryder	2 Days	Verdict	Herlihy
2003	State v. Wellington	1 Week	Mistrial	Vaughn
2004	State v. Wellington	8 Weeks	Verdict	Vaughn
2006	Shreiner v. Pneumo Abex	2 Weeks	Settled	Slights

¹U.S.D.C., Delaware

²Baltimore County, Maryland

DEAN R. ROLAND

Associate

EDUCATION

University of North Carolina Asheville, 2014

Widener University Delaware Law School, J.D., 2017, cum laude

ADMISSIONS

Delaware, 2017

MEMBERSHIPS

Delaware State Bar Association

PROFESSIONAL EXPERIENCE

Mr. Roland concentrates his practice in the area of general litigation, representing individuals in matters related to:

- Asbestos litigation
- Construction litigation
- Personal injury litigation

Prior to joining Cooch and Taylor, Mr. Roland served as an intern for the Honorable Paul R. Wallace at the Delaware Superior Court. Mr. Roland also served as an intern for the Honorable Robert H. Surlis at the Delaware Court of Common Pleas. Mr. Roland acted as a law clerk at Cooch and Taylor before being admitted to the Delaware Bar. Prior to beginning law school, Mr. Roland served as a team captain on the University of North Carolina Asheville's Division I Baseball Team.

JAMES W. SEMPLE

Director

EDUCATION:

Villanova University School of Law, J.D.

St. Joseph University, B.A.

ADMISSIONS:

Delaware, 1974

District of Columbia

United States District Court, District of Delaware

U.S. Court of Appeals, Third Circuit

MEMBERSHIPS:

Supreme Court of the State of Delaware, Board of Bar Examiners, Past Member; Board on Professional Responsibility, Past Member

Supreme Court of the State of Delaware

Superior Court of the State of Delaware, New Castle County, Liaison Counsel

District of Columbia Bar Association

American Bar Association

The American Board of Trial Advocates, Delaware Chapter, Charter Member

Federation of Defense and Corporate Counsel

Delaware State Bar Association, Former Member of Executive Committee; Founding Chair of Torts and Insurance Practice Section

Defense Counsel of Delaware, Founding President

PROFESSIONAL EXPERIENCE:

Mr. Semple has more than 35 years of experience assessing and resolving complex business disputes in a broad range of contexts. As a charter member of the Delaware Chapter of the American Board of Trial Advocates, and an ABA-trained mediator for the Delaware Superior Court, Jim has tried, mediated, arbitrated, and advocated in hundreds of legal and alternative dispute resolution proceedings.

He has represented clients in jury and bench trials in virtually every type of business dispute before the Federal District Court, the Delaware Superior Court, the Delaware Supreme Court and the Court of Chancery. He represents clients ranging from individuals to Fortune 50 corporations in major complex commercial litigation cases, contract disputes, advancement disputes, employment and non-compete agreement disputes, complex tort cases, and complex insurance coverage actions.

Current Representations:

Lead counsel for an insurer on a claim by an insured who was a licensee of a software licensor who had breached the license agreement and whose continued unauthorized use of the software was a copyright infringement. Obtained summary judgment for the insurer because the claims, under a claims first made policy, related to wrongful acts that took place prior to the policy's inception, and because the insured did not disclose prior identical claims with the licensor when it applied for the policy. Argued and won the appeal to the Delaware Supreme Court.

Delaware counsel to a non-Delaware law firm in defending claims asserted by a former bankruptcy trustee also appointed as the trustee of an estate litigation trust and a private actions trust arising from the failure of a real estate investment entity

Delaware counsel to an excess fidelity bond and director and officers' liability insurer of a fund sued for losses arising from the Madoff fraud.

Delaware counsel to an excess liability insurer of companies sued for asbestos liabilities.

Delaware counsel to an excess liability insurer in a Delaware declaratory judgment action where a principal issue is whether the more than \$150 million in settlement amounts arising from state statutory claims constitute a penalty within the definition of Loss under the policy.

Delaware counsel to a large company sued by foreign plaintiffs for birth defects to their children arising from allegedly improper use of pesticides in a foreign country.

PAULA C. WITHEROW

Director

EDUCATION

Pennsylvania State University, B.A., with honors, 1979

Widener University School of Law, J.D., cum laude, 1990

ADMISSIONS

Delaware, 1990

Pennsylvania, 1991

MEMBERSHIPS

Delaware State Bar Association, Chester County Bar Association

Delaware Trial Lawyers Association

PROFESSIONAL EXPERIENCE

Ms. Witherow has more than eighteen years of litigation and trial experience in the Delaware Superior Court and before the Industrial Accident Board of the State of Delaware. She has served on the Board of Governors of the Delaware Trial Lawyers Association, The Superior Court Trial Practice Forum Steering Committee and the Executive Committee of the Delaware State Bar Association.

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2018, I electronically filed the *Declaration of Blake A. Bennett in Support of Class Counsel's Motion for an Award of Attorneys' Fees and Expenses and Class Representative's Service Award* with the Clerk of Court using CM/ECF which will send notification of such filing to those registered as CM/ECF participants.

/s/ Blake A. Bennett

Blake A. Bennett (#5133)

Attorneys for Class Representative