

EXHIBIT "4"

DECLARATION OF BROWN

representing Plaintiffs in the above-styled case. I have been admitted *pro hac vice* in the above-styled matter.

3.

This Affidavit is given in support of Plaintiffs' Motion for Post-Judgment Attorney's Fees and Expenses Pursuant to 28 U.S.C. §1927, This Court's Inherent Authority, and O.C.G.A. §13-6-11, and Indwelling Memorandum of Law, and for all other motions for attorney's fees and expenses filed by Plaintiffs.

4.

I am employed as an associate attorney by the law firm of Phillips Lytle, LLP ("PL"). PL serves as counsel for Plaintiffs in New York and the above-styled action. A copy of the law firm's entry in Martindale-Hubbell is attached hereto and incorporated herein as Exhibit "A" to outline the experience level of the attorneys who have worked on this file. Before working for PL, I worked as judicial clerk for New York State Supreme Court Appellate Division, Fourth Department, between 1999 and 2001.

5.

I am a graduate of the State University of New York at Buffalo. I am admitted to practice in New York, the United States District Court, Western District of New York, the United States Court of Appeals, Second Circuit, and the

United States Bankruptcy Court, Western District of New York. I am a member of the New York State Bar Association, American Bar Association, and the Bar Association of Erie County. I am a member of the State University of New York at Buffalo School of Law Alumni Association, Board of Directors; and the State University of New York at Binghamton, Harpur College, National Law Advisory Council, Board of Directors.

6.

My law practice is concentrated in the area of litigation pertaining to contractual disputes, real property, personal injury, products liability, toxic torts and collection enforcement. My current billing rate is \$235.00. I have billed clients at those rates, have invoiced them, and have received payment from them at those rates.

7.

PL assigned this file to me because I have previous experience handling business tort and injunctive relief litigation. My billing rates have increased during my representation of the Plaintiffs. I have attached a table using information available in the Buffalo area to help me establish that the PL timekeepers' rates are reasonable. A copy of the table is attached hereto and incorporated herein as Exhibit "B".

8.

It is my experience and opinion that the quantity of time worked by Plaintiffs' counsel for which compensation is sought is reasonable and consistent with the requirements of this case and the billing judgment exercised in comparable cases in the Buffalo market for comparable legal services. The staffing on these cases and the time charges resulting from these staffing decisions appear, in my judgment, to be reasonable, necessary, and consistent with the prevailing market conditions for the delivery of comparable legal services in comparable cases. Based on my review of the table attached hereto as Exhibit "B" and my knowledge of rates in the Buffalo area, PL timekeepers' rates are reasonable.

9.

I am the attorney at PL who is most familiar with this case having spent numerous hours working on this file.

10.

It is the policy and practice of attorneys, paralegals, and librarians at PL to enter time into the law firm's time-keeping computer program contemporaneously with the performance of the service rendered or as soon thereafter as practicable. Each timekeeper enters time in the computer in six (6) minute increments or tenths

(1/10th) of an hour. Each timekeeper must input the client number, the matter number, the time expended, a description of the service performed, and, in some cases, client-specific task codes. In this case, the client number is 71752 and the matter number is 00006. Once each timekeeper has released his time, the accounting department can generate a pre-bill which sets forth the name of the timekeeper, the date the service was rendered, the amount of time expended, a description of the service rendered, and, in some cases, client-specific task codes. PL's time and billing records are kept in the ordinary course of business. PL stores the bills which PL generates in the file. I am custodian of this file.

11.

I have reviewed the file in which PL keeps the bills that it generates. I derived the information in billing abstract from the billing files. Declarant will supplement his Declaration with Excel® billing abstracts under Rule 54(d)(2)(B) of the Federal Rules of Civil Procedure and LR 54.2A(2). The following table sets forth the abbreviations which identify certain timekeepers.

FULLNAME OF TIMEKEEPER	INITIALS	STATUS OF TIMEKEEPER IN EXHIBITS	HOURLY RATES
Arthur A. Russ	AAR	Partner	350.00
Marc W. Brown	MWB	Associate	235.00

Laura S. Sutell	LSS	Librarian	135.00
Patrick N.C. Thurber	PNCT	Paralegal	120.00

12.

I calculated the amount of attorney's fees due by multiplying the total number of hours that an individual worked on the file by that individual's billing rate. Then, I added the products of each of the calculations together. The sum of that calculation equaled the amount of attorney's fees. Based on these calculations, the amount of attorney's fees incurred by Plaintiffs through December 31, 2009 for the handling of the litigation is \$16,446.89. This represents 70.6 hours of time. The expenses (including items that may be taxed as costs in a bill of costs) total \$45.30. Declarant will supplement his Declaration with Excel® billing abstracts under Rule 54(d)(2)(B) of the Federal Rules of Civil Procedure and LR 54.2A(2).

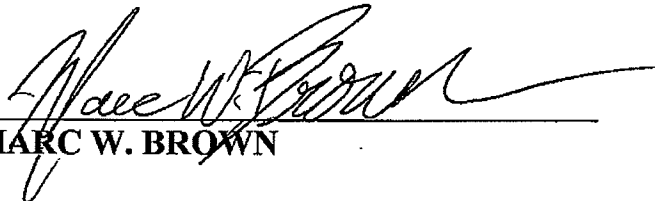
13.

I am more than 21 years of age and is competent to testify to the matters set forth herein. This declaration is made upon my personal knowledge, in compliance with the Order, dated and any other purposes permitted by law.

FURTHER SAYETH DECLARANT NOT.

I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.

Executed in Buffalo, New York this 6th day of January, 2010.



MARC W. BROWN

**EXHIBIT "A" TO
DECLARATION OF BROWN**

Phillips Lytle LLP

3400 HSBC Center
Buffalo, New York 14203-2887

Telephone: 716-847-8400
Web Site: <http://www.phillipslytle.com>

PEER REVIEW RATINGS

Lawyers with Peer Review Ratings: 101

FEDERAL LITIGATION ACTIVITY (Last 2 years; data derived from LexisNexis atVantage^{1,2})

By Practice Area

- 88 (36%) Products Liability
- 24 (10%) Contracts
- 22 (9%) Banking Law
- 16 (7%) Intellectual Property
- 16 (7%) Labor and Employment
- 77 (31%) Other



By Jurisdiction

- 163 (67%) NY
- 44 (18%) PA
- 7 (3%) LA
- 5 (2%) FL
- 5 (2%) WV
- 21 (9%) Other



By Role

- 193 (75%) Defendant
- 49 (19%) Plaintiff
- 17 (7%) Other



U.S. PATENT ACTIVITY (Last 2 years; data derived from LexisNexis atVantage)

By Classification

- 6 (19%) Electrical generator or motor structure
- 4 (13%) Measuring, testing, or signalling instruments
- 1 (3%) Surgery
- 1 (3%) Miscellaneous hardware
- 1 (3%) Apparel
- 19 (59%) Other

¹U.S. Federal Civil District Court Databases. ©2010 LexisNexis, Inc. All Rights Reserved. Powered by: LexisNexis atVantage™

²Percentages may not equal 100% due to rounding.

The Law Firm Snapshot information is provided by LexisNexis Martindale-Hubbell from a variety of third party sources.

Source: *Martindale-Hubbell*

People: Phillips Lytle LLP

View People:
First Name:

Last Name:

Office:

Buffalo, New York (Main Office)

Practice Area:

-- All Practice Areas --

GO
OF COUNSEL: Buffalo, New York (Main Office) Office

Name	Peer Review Rating
<u>William A. Bain, Jr.</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>Thomas M. Barney</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>James M. Beardsley</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>Thomas R. Beecher, Jr.</u> , Of Counsel Office: Buffalo, New York Practice Areas: Corporate; Trusts and Estates; Not-For-Profit; Closely Held Businesses	AV® Preeminent™ 5.0 out of 5
<u>Richard G. Birmingham</u> , Of Counsel Office: Buffalo, New York	
<u>Allen R. Bivens</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>Charles G. Blaine</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>Irving D. Brott, Jr.</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>Caroline Hassett Buerk</u> , Of Counsel Office: Buffalo, New York Practice Areas: Probate; Surrogate; Trusts; Federal Estate and Gift Taxation; Guardianships; Elder Law	AV® Preeminent™ 5.0 out of 5
<u>John F. Donovan</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>David K. Floyd</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>George R. Grasser</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>Gerard R. Haas</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>Waldron S. Hayes, Jr.</u> , Of Counsel Office: Buffalo, New York	AV® Preeminent™ 5.0 out of 5
<u>David C. Horan</u> , Of Counsel Office: Buffalo, New York Practice Areas: Corporate; Mergers and Acquisitions; Commercial Law	AV® Preeminent™ 5.0 out of 5
<u>William L. Rieth</u> , Of Counsel	

Office: Buffalo, New York

AV[®] Preeminent™ 5.0 out of 5

Edward L. Robinson, Of Counsel

Office: Buffalo, New York

AV[®] Preeminent™ 5.0 out of 5

Arthur M. Sherwood, Of Counsel

Office: Buffalo, New York

AV[®] Preeminent™ 5.0 out of 5

Robert O. Swados, Of Counsel

Office: Buffalo, New York

Practice Areas: Corporate Law; Tax Law; Wealth Preservation; Trusts and Estates

AV[®] Preeminent™ 5.0 out of 5

James H. Watz, Of Counsel

Office: Buffalo, New York

AV[®] Preeminent™ 5.0 out of 5

PARTNERS: Buffalo, New York (Main Office) Office

Name	Peer Review Rating
<p><u>Frederick G. Attea</u>, Member Office: Buffalo, New York Practice Areas: Mergers, Acquisitions & Divestitures; Corporate Law; Securities; Business Law; International Law</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Thomas C. Bailey</u>, Member Office: Buffalo, New York Practice Areas: Franchise Law; Trusts and Estates; Real Estate; Corporate; Banking and Commercial</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Raymond H. Barr</u>, Member Office: Buffalo, New York Practice Areas: Corporate; Employee Benefits; Qualified Plans; ERISA; Taxation; Trusts and Estates</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Holly Adams Beecher</u>, Member Office: Buffalo, New York Practice Areas: Trusts and Estates; Real Estate; Taxation</p>	
<p><u>Cindy Kaplan Bennes</u>, Member Office: Buffalo, New York Practice Areas: Civil Litigation; Complex and Multi-District Litigation; Drug and Medical Device Defense; Products Liability Defense</p>	
<p><u>Michael J. Berchou</u>, Member Office: Buffalo, New York Practice Areas: Intellectual Property Litigation; Patents; Trademarks; Trade Secrets; Copyrights</p>	
<p><u>Edward S. Bloomberg</u>, Member Office: Buffalo, New York Practice Areas: Business Litigation; Corporate Litigation; Commercial Litigation; Contract Litigation; Insurance Coverage; Intellectual Property Litigation; Unfair Competition; Insurance Litigation</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Glenn J. Bobeck</u>, Member Office: Buffalo, New York Practice Areas: Corporate; Real Estate; Employment and Labor; Taxation; Employee Benefits</p>	
<p><u>Alan J. Bozer</u>, Member Office: Buffalo, New York Practice Areas: Civil Litigation; Criminal Litigation; Securities Arbitration; Securities Registration</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Mark E. Brand</u>, Member Office: Buffalo, New York Practice Areas: Employee Benefits; Corporate Law; Retirement</p>	AV [®] Preeminent™ 5.0 out of 5

<p>Planning; Estate Planning; Health Care</p> <p><u>Peter D. Braun</u>, Member Office: Buffalo, New York Practice Areas: Toxic Torts; Negligence Defense; Products Liability; Drug and Medical Device Defense; Environmental Criminal Law</p>	BV® Distinguished™ 4.4 out of 5
<p><u>William J. Brennan</u>, Member Office: Buffalo, New York Practice Areas: Litigation; Commercial Litigation; RICO Litigation; Insurance Coverage Litigation</p>	AV® Preeminent™ 5.0 out of 5
<p><u>William J. Brown</u>, Member Office: Buffalo, New York Practice Areas: Bankruptcy; Lender Liability; Secured Lending; Business Workouts; Debtor and Creditor</p>	AV® Preeminent™ 5.0 out of 5
<p><u>William D. Christ</u>, Member Office: Buffalo, New York Practice Areas: Commercial Litigation; Products Liability Defense; Civil Litigation; Federal Practice</p>	BV® Distinguished™ 4.4 out of 5
<p><u>James J. Contino</u>, Member Office: Buffalo, New York Practice Areas: Real Estate; Condominium Development; Homeowners Association Law; Real Estate Banking; Real Estate Development</p>	AV® Preeminent™ 5.0 out of 5
<p><u>Douglas W. Dimitroff</u>, Member Office: Buffalo, New York Practice Areas: Loan Restructuring; Construction Finance; Real Estate Finance; Commercial Real Estate; Land Use and Zoning; Telecommunications Law</p>	BV® Distinguished™ 4.4 out of 5
<p><u>James D. Donathen</u>, Member Office: Buffalo, New York Practice Areas: Labor Management Law; Employment Discrimination Law; Administrative Law; Education Law; Civil Trial</p>	AV® Preeminent™ 5.0 out of 5
<p><u>Deborah A. Doxey</u>, Member Office: Buffalo, New York Practice Areas: Banks and Banking; Commercial Law; Finance; Commercial Real Estate</p>	
<p><u>Kevin J. English</u>, Member Office: Buffalo, New York Practice Areas: Aviation Products Liability; Commercial Litigation; Contract Litigation; Recreational Products Liability</p>	BV® Distinguished™ 4.4 out of 5
<p><u>David P. Flynn</u>, Member Office: Buffalo, New York Practice Areas: Environmental Cleanup; Environmental Compliance; Hazardous Waste Management; Hazardous Waste Regulation; Superfund</p>	
<p><u>Robert E. Glanville</u>, Member Office: Buffalo, New York Practice Areas: Drug and Medical Device Defense; Antitrust; Environmental Law; Energy; Insurance; Litigation</p>	AV® Preeminent™ 5.0 out of 5
<p><u>Victoria Lyn Grady</u>, Member Office: Buffalo, New York Practice Areas: Banking and Commercial; Real Estate</p>	
<p><u>Morgan G. Graham</u>, Member Office: Buffalo, New York Practice Areas: Environmental Law; Litigation; Environmental Compliance; Environmental Permitting</p>	
<p><u>James R. Grasso</u>, Member Office: Buffalo, New York Practice Areas: Employment Litigation; Management Labor Law;</p>	BV® Distinguished™ 4.4 out of 5

Employment Defense; Public School Law

Robert M. Greene, Member

Office: Buffalo, New York

Practice Areas: Health Care; Non-Profit and Charitable Organizations; Investments; Election, Campaign and Political Law

AV[®] Preeminent™ 5.0 out of 5

Tamar P. Halpern, Member

Office: Buffalo, New York

Practice Areas: Drug and Medical Device Defense; Mental Health Law

AV[®] Preeminent™ 5.0 out of 5

Martha M. Harris, Member

Office: Buffalo, New York

Practice Areas: Drug and Medical Device Litigation; Pharmacy Law; Trial Practice

BV[®] Distinguished™ 4.4 out of 5

Kevin M. Hogan, Member

Office: Buffalo, New York

Practice Areas: Environmental Litigation; Federal Civil Litigation; Toxic Tort Defense; Tort Defense; Commercial Litigation

BV[®] Distinguished™ 4.4 out of 5

Annabelle V. Irey, Member

Office: Buffalo, New York

Practice Areas: Business Law; Corporate Law; Intellectual Property Licensing; Trademarks

AV[®] Preeminent™ 5.0 out of 5

Paul F. Jones, Member

Office: Buffalo, New York

Practice Areas: Chemical Exposure; Products Liability; Insurance Coverage; Appellate Practice; Corporate Litigation

AV[®] Preeminent™ 5.0 out of 5

William P. Keefer, Member

Office: Buffalo, New York

Practice Areas: Civil Litigation; Health Care

BV[®] Distinguished™ 4.4 out of 5

David H. Kernan, Member

Office: Buffalo, New York

Practice Areas: Tax Law; Employee Benefits

BV[®] Distinguished™ 4.4 out of 5

Gary F. Kotaska, Member

Office: Buffalo, New York

Practice Areas: Business Law; Corporate Law; Employee Benefits

AV[®] Preeminent™ 5.0 out of 5

Craig A. Leslie, Member

Office: Buffalo, New York

Practice Areas: Civil Litigation

James A. Locke, Member

Office: Buffalo, New York

Practice Areas: Federal Taxation; State Taxation; Mergers and Acquisitions

AV[®] Preeminent™ 5.0 out of 5

Kenneth A. Manning, Member

Office: Buffalo, New York

Practice Areas: Self-Insurance Defense; Federal Litigation; Civil Litigation; Class Action Defense; Product Liability Defense

AV[®] Preeminent™ 5.0 out of 5

Lisa McDougall, Member

Office: Buffalo, New York

Practice Areas: Health Law; Alcoholic Beverages; Tort Defense

AV[®] Preeminent™ 5.0 out of 5

David J. McNamara, Member

Office: Buffalo, New York

Practice Areas: Covenants Not To Compete; Secured Creditors Rights; Civil Practice; Electronic Commerce; Commercial Litigation

BV[®] Distinguished™ 4.4 out of 5

Angela Z. Miller, Member

Office: Buffalo, New York

Michael R. Moravec, Member

Office: Buffalo, New York

<p>Practice Areas: Labor and Employment; Social Security Disability; Education</p>	AV® Preeminent™ 5.0 out of 5
<p><u>Paul Morrison-Taylor</u>, Member Office: Buffalo, New York Practice Areas: Civil Litigation; Commercial Litigation; Products Liability; Eminent Domain; Real Property Valuation</p>	AV® Preeminent™ 5.0 out of 5
<p><u>David J. Murray</u>, Member Office: Buffalo, New York Practice Areas: Corporate Law; Commercial Transactions; Securities Law; Health Care</p>	AV® Preeminent™ 5.0 out of 5
<p><u>John A. Pappano</u>, Member Office: Buffalo, New York Practice Areas: Commercial Real Property; Commercial Real Property Leasing; Commercial Mortgage Foreclosures; Commercial Mortgage Financing; Easements and Rights-of-Way; Zoning, Planning and Land Use</p>	AV® Preeminent™ 5.0 out of 5
<p><u>Jacqueline Phipps Polito</u>, Member Office: Buffalo, New York</p>	BV® Distinguished™ 4.4 out of 5
<p><u>Michael B. Powers</u>, Member Office: Buffalo, New York Practice Areas: Commercial Litigation; Business Fraud; Products Liability Defense; Banking Litigation; Insurance Coverage</p>	AV® Preeminent™ 5.0 out of 5
<p><u>Rowland Richards</u>, Member Office: Buffalo, New York Practice Areas: Patents; Trademarks; Copyrights; Intellectual Property Litigation</p>	
<p><u>Joseph Ritzert</u>, Member Office: Buffalo, New York Practice Areas: Civil Litigation; Federal Practice; Products Liability; Premises Liability; Commercial Constitutional Law</p>	BV® Distinguished™ 4.4 out of 5
<p><u>Arthur A. Russ, Jr.</u>, Member Office: Buffalo, New York Practice Areas: Corporate; Banking and Commercial; Real Estate; Trusts and Estates; Taxation</p>	AV® Preeminent™ 5.0 out of 5
<p><u>Nathan A. Schachtman</u>, Member Office: Buffalo, New York Practice Areas: Toxic Torts; Asbestos Litigation; Chemical Exposure; Drug and Medical Device Litigation</p>	AV® Preeminent™ 5.0 out of 5
<p><u>John G. Schmidt Jr.</u>, Member Office: Buffalo, New York Practice Areas: Civil Litigation (Defense); Tort Defense; Personal Injury Defense; Business and Commercial Litigation; Products Liability Defense; Federal Practice</p>	AV® Preeminent™ 5.0 out of 5
<p><u>Raymond H. Seitz</u>, Member Office: Buffalo, New York Practice Areas: Banks and Banking; Corporate Finance; Commercial Law; Finance; Commercial Real Estate Finance</p>	AV® Preeminent™ 5.0 out of 5
<p><u>Thomas J. Sheehan</u>, Member Office: Buffalo, New York</p>	
<p><u>Ronald S. Shubert</u>, Member Office: Buffalo, New York Practice Areas: Condominium and Homeowners Associations; Condominium Conversions; Community Association Law; Real Estate Tax Certiorari; Real Estate Condominium Foreclosures; Construction Defect Litigation; Education Law</p>	BV® Distinguished™ 4.4 out of 5
<p><u>Lisa L. Smith</u>, Member Office: Buffalo, New York Practice Areas: Corporate Litigation; Civil Litigation; Federal Litigation; Toxic Torts; Product Liability Defense</p>	BV® Distinguished™ 4.4 out of 5

<p><u>James W. Smyton</u>, Member Office: Buffalo, New York Practice Areas: Business Acquisitions; Closely Held Corporations; Corporate Contracts; Corporate Formation; Family Corporations</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Peter K. Sommer</u>, Member Office: Buffalo, New York Practice Areas: Litigation; Intellectual Property; Patents; Trademarks; Copyrights</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>John C. Spitzmiller</u>, Member Office: Buffalo, New York Practice Areas: Estate Planning; Estate Administration; Elder Law; Medicaid Planning; Probate; Estate and Gift Taxation; Trusts and Estates</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Paul K. Stecker</u>, Member Office: Buffalo, New York Practice Areas: Banking Litigation; Commercial Litigation; Federal Litigation; Tobacco Litigation; Broker-Dealer Arbitration</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Jonathan P. Taber</u>, Member Office: Buffalo, New York Practice Areas: Business; Banking; Cooperative Corporations</p>	Rated 2.9 out of 5
<p><u>Adam S. Walters</u>, Member Office: Buffalo, New York Practice Areas: Environmental Law; Administrative; Zoning; Planning and Land Use; Conservation Easements</p>	
<p><u>James W. Whitcomb</u>, Member Office: Buffalo, New York Practice Areas: Construction Law; Environmental Products Liability; Real Property Rights</p>	BV [®] Distinguished™ 4.4 out of 5
<p><u>Sharon L. Wick</u>, Member Office: Buffalo, New York Practice Areas: Estate Planning; Trusts and Estates; Probate; Estate and Gift Taxation</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Alan M. Wishnoff</u>, Member Office: Buffalo, New York Practice Areas: Appellate Practice; Defense Litigation; Negligence Defense; Premises Liability Defense; Civil RICO; Drug and Medical Device Defense</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Thomas S. Wiswall</u>, Member Office: Buffalo, New York Practice Areas: Litigation; Arbitration; Civil Practice; Drug and Medical Device Defense</p>	AV [®] Preeminent™ 5.0 out of 5
<p><u>Preston L. Zarlock</u>, Member Office: Buffalo, New York Practice Areas: Commercial Litigation; Products Liability; Insurance Coverage</p>	BV [®] Distinguished™ 4.4 out of 5
<p><u>Paul B. Zuydhoek</u>, Member Office: Buffalo, New York Practice Areas: Civil Litigation; Commercial Litigation; Business Torts; Personal Injury Defense; Products Liability; Drug and Medical Device Defense</p>	AV [®] Preeminent™ 5.0 out of 5

SPECIAL COUNSEL: Buffalo, New York (Main Office) Office

Name	Peer Review Rating
<p><u>Ralph Cessario</u>, Special Counsel Office: Buffalo, New York Practice Areas: Products Liability; Premises Liability; Municipal</p>	BV [®] Distinguished™ 4.4 out of 5

Law

David L. Edmunds, Jr., Special Counsel

Office: Buffalo, New York

Practice Areas: Personal Injury Defense; Professional Liability; Municipal Liability

AV® Preeminent™ 5.0 out of 5

George Hajduczuk, Special Counsel

Office: Buffalo, New York

Donna M. Lanham, Special Counsel

Office: Buffalo, New York

Practice Areas: Aviation Accidents; Automobile Insurance Defense; Plaintiffs' Personal Injury; Drug and Medical Device Litigation; Elevator Liability

BV® Distinguished™ 4.4 out of 5

Paul V. O'Brien, Special Counsel

Office: Buffalo, New York

Practice Areas: Commercial Banking; Commercial Real Estate; Real Estate Finance; Asset Based Finance

ASSOCIATES: Buffalo, New York (Main Office) Office

Name	Peer Review Rating
<u>Sharon Prise Azurin</u> , Associate Office: Buffalo, New York Practice Areas: Commercial Law; Corporate Law	
<u>William H. Baaki</u> , Associate Office: Buffalo, New York Practice Areas: Personal Injury	
<u>Ericka N. Bennett</u> , Associate Office: Buffalo, New York Practice Areas: Health Care; Civil Litigation	
<u>Karla Braun-Kolbe</u> , Associate Office: Buffalo, New York Practice Areas: Corporate Law	
<u>Marc W. Brown</u> , Associate Office: Buffalo, New York Practice Areas: Litigation	
<u>Craig R. Bucki</u> , Associate Office: Buffalo, New York Practice Areas: Trial Practice	
<u>Carrie A. Christy</u> , Associate Office: Buffalo, New York Practice Areas: Commercial Law	
<u>Joanna Dickinson</u> , Associate Office: Buffalo, New York Practice Areas: Insurance Defense Litigation; Insurance Coverage Litigation; Workers Compensation Law; Commercial Litigation	
<u>Jennifer Dougherty</u> , Associate Office: Buffalo, New York Practice Areas: Environmental Law	
<u>Tara J. Hart-Nova</u> , Associate Office: Buffalo, New York Practice Areas: Trademark Prosecution; Copyright; Corporate	
<u>Christopher L. Hayes</u> , Associate Office: Buffalo, New York Practice Areas: Litigation	

Katherine L. Hesch, Associate

Office: Buffalo, New York

Timothy W. Hoover, Associate

Office: Buffalo, New York

Practice Areas: White Collar Criminal Defense; Litigation; Commercial Litigation

Minryu Sarah Kim, Associate

Office: Buffalo, New York

Practice Areas: Trial Practice

Robert L. Lash, Associate

Office: Buffalo, New York

Practice Areas: Civil Litigation

Jessica M. Lazarin, Associate

Office: Buffalo, New York

Practice Areas: Civil Litigation

David J. Luzon, Associate

Office: Buffalo, New York

Practice Areas: Trusts and Estates; Tax Law

Patricia A. Mancabelli, Associate

Office: Buffalo, New York

Practice Areas: Civil Litigation

Susan M. Marriott, Associate

Office: Buffalo, New York

Practice Areas: Environmental Law; Energy

Sean C. McPhee, Associate

Office: Buffalo, New York

Practice Areas: Commercial Banking; Real Estate; Telecommunications Law

Amy E. McShane, Associate

Office: Buffalo, New York

Practice Areas: Real Estate; Land Use; Commercial Real Estate; Real Estate Acquisitions; Real Estate Dispositions; Real Estate Leasing; Commercial Leasing

Kevin J. Mulvehill, Associate

Office: Buffalo, New York

Practice Areas: Labor and Employment; Commercial Finance

Michael C. Murphy, Associate

Office: Buffalo, New York

Dia H. Nicolatas, Associate

Office: Buffalo, New York

Justin G. Procriv, Associate

Office: Buffalo, New York

Practice Areas: Complex Litigation; Insurance Coverage; Construction Litigation

Sarah K. Ranni, Associate

Office: Buffalo, New York

Practice Areas: Employee Benefits

Brendan J. Rich, Associate

Office: Buffalo, New York

Practice Areas: Corporate Law; Mergers, Acquisitions and Divestitures

Donna Hoelscher Suchan, Associate

Office: Buffalo, New York

Practice Areas: Commercial and Residential Real Estate; Mortgage Lending; Bankruptcy and Insolvency

BV[®] Distinguished™ 4.4 out of 5

Cynthia L. Thompson, Associate

Office: Buffalo, New York

Alexandra E. J. Townson, Associate

Office: Buffalo, New York

Joseph R. Waala, Associate

Office: Buffalo, New York

Practice Areas: Litigation; Antitrust

Timothy P. Welch, Associate

Office: Buffalo, New York

Practice Areas: Litigation

Andrew Wells, Associate

Office: Buffalo, New York

Practice Areas: Litigation

SENIOR TAX COUNSEL: Buffalo, New York (Main Office) Office

Name

Edward M. Griffith, Jr., Senior Tax Counsel

Office: Buffalo, New York

Practice Areas: Federal and State Taxation; Corporate Law

Peer Review Rating

AV[®] Preeminent[™] 5.0 out of 5

Source: *Martindale-Hubbell*

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Arthur A. Russ, Jr.

Arthur A. Russ, Jr.



Member



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Buffalo, New York 14203-2887
(Erie Co.)

Telephone: 716-847-8400
Telecopier: 716-852-6100
<http://www.phillipslytle.com>

Profile Visibility 

#261 in weekly profile views out of 2,599 lawyers in **Buffalo, New York**

#441,388 in weekly profile views out of 969,730 total lawyers **Overall**

AV Peer Review Rated

Experience & Credentials

Client/Peer Review Ratings™

Practice Areas	Corporate; Banking and Commercial; Real Estate; Trusts and Estates; Taxation
Education	State University of New York at Buffalo, LL.B., 1967, Northwestern University, B.A., 1964
Admitted	1967, New York; 1969, U.S. Tax Court; 1974, U.S. Supreme Court
Born	Buffalo, New York, November 26, 1942
ISLN	901929295

[View Client/Peer Review Ratings](#)

Source: *Martindale-Hubbell*

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Arthur A. Russ, Jr.

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Peer Review Rating



PreeminentTM
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Years in Practice 42
Meets Very High Criteria of General Ethical Standards? Yes

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Marc W. Brown

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3400 HSBC Center
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(Erie Co.)

Experience & Credentials

Born	1973
Admitted	2000
College	State University of New York at Binghamton, B.A.
Law School	State University of New York at Buffalo, J.D.
ISLN	916735096

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**EXHIBIT "B" TO
DECLARATION OF BROWN**

ATTORNEY NAME	YEAR ADMITTED	APPROVED HOURLY RATE (AND YEAR OF RATE)	CASE NO. (WITH CITATION TO ATTORNEY AFFIDAVITS REGARDING HOURLY FEES AND COURT ORDERS)
Carol E. Heckman (Partner) Harter, Secrest & Emery LLP	1978	\$325 (2004)	<u>Murphy v. Bd. of Educ. of Rochester</u> , 00-CV-6038L(F) (Docket Item 432 [Attachment #14], Attorney Aff., ¶ 19); (Docket Item 437, March 10, 2006 Decision and Order, at 12)
Henry W. Killeen, III (Partner) Killeen & Killeen	1976	\$300 (2004)	<u>Diamond "D" Constr. Corp. v. N.Y. Dep't of Labor</u> , 00-CV-335C (Docket Item 281, Attorney Aff., ¶ 5); (Docket Item 317, Oct. 13, 2005 Order, at 9)
Paul I. Perlman (Partner) Hodgson Russ LLP	1980	\$290 (2005)	<u>Directv, Inc. v. Rowland</u> , 04-CV-00297S(Sc) (Docket Item 47, Attorney Aff., ¶¶ 6-7); (Docket Item 49, June 10, 2005 Order, at 5-6)
Maureen T. Alston (Partner) Harter, Secrest & Emery LLP	1983	\$275 (2004)	<u>Murphy v. Bd. of Educ. of Rochester</u> , 00-CV-6038L(F) (Docket Item 432 [Attachment #14], Attorney Aff., ¶ 17-18); (Docket Item 437, March 10, 2006 Decision and Order, at 12).
A. Paul Britton (Partner) Harter, Secrest & Emery LLP	1979	\$275 (2004)	<u>Murphy v. Bd. of Educ. of Rochester</u> , 00-CV-6038L(F) (Docket Item 432 [Attachment #14], Attorney Aff., ¶ 20); (Docket Item 437, March 10, 2006 Decision and Order, at 12).
Paul Zuydhoek (Partner) Phillips Lytle LLP	1969	\$250 (1996)	<u>Burns v. Imagine Films Entm't, Inc.</u> , 92-CV-243S (August 12, 1996 Decision & Order, at 11) (Decision & Order attached hereto as Exhibit Q-1)
Michael J. Lingle (Associate) Dolin, Thomas & Solomon LLP	2001	\$215 (2005)	<u>Frank v. Eastman Kodak Co.</u> , 04-CV-6053T(P) (Docket Item 32, Attorney Aff., ¶¶ 14-16); (Docket Item 44, April 29, 2005 Decision & Order, at 23-24)
Graig F. Zappia (Associate) Dolin, Thomas & Solomon LLP	2003	\$190 (2005)	<u>Frank v. Eastman Kodak Co.</u> , 04-CV-6053T(P) (Docket Item 32, Attorney Aff., ¶¶ 14-16); (Docket Item 44, April 29, 2005 Decision & Order, at 23-24)
Thomas M. Krol (Associate) Hodgson Russ LLP	2004	\$145 (2005)	<u>Directv, Inc. v. Rowland</u> , 04-CV-00297S(Sc) (Docket Item 47, Attorney Aff., ¶¶ 6-7); (Docket Item 49, June 10, 2005 Order, at 5-6)
F. Michael Ostrander (Associate) Woods Oviatt Gilman, LLP	2005	\$125 (2006)	<u>Brigiotta's Farmland Produce & Garden Center, Inc. v. Przykuta</u> , 05-CV-273S (Docket Item 31 [Attachment #4], Attorney Aff., ¶ 3) (Docket Item 39, July 13, 2006 Decision & Order, at 14-15)