

Kindall Declaration In Support of Plaintiffs' Motion
for Preliminary Approval

EXHIBIT 3

Firm Resume, Izard Nobel LLP



FIRM RESUME

Izard Nobel LLP is one of the premier firms engaged in class action litigation on behalf of consumers, investors and employees. The Firm has been formally appointed by courts in over 60 class action cases as lead counsel or co-lead counsel.¹

¹ *Papanikolaou v. Value-Added Communications*, No. 3-95CV0346-H (N.D. Tex.); *Gorga v. Uniroyal Chemical Corp.*, No. CV-96-0132014-S (Conn. Super.); *David v. Simware, Inc.*, No. 96/602143 (N.Y. Sup.); *Butler v. Northstar Health Services, Inc.*, No. 96-701 (W.D. Pa.); *Allen v. Johansson*, 397CV02172 (RNC) (D. Conn.); *Feiner v. SS&C Techs.*, 397CV0656 (D. Conn.); *Berti v. Videolan Techs, Inc.*, No.3:97CV296H (W.D. Ky.); *Ganino v. Citizens Utilities Co.*, No. 398CV00480 (JBA) (D. Conn.); *Bunting v. HealthCor Holdings, Inc.*, No. 398CV0744-D (N.D. Tex.); *Hirsch v. PSS World Medical, Inc.*, No. 98 502 Civ. J20A (M.D. Fla.); *Kenneth Blau v. Douglas Murphy*, No. H 99 0535 (S.D. Tex.); *Angres v. Smallworldwide plc*, No. 99-K-1254 (D. Colo.); *In re Complete Mgmt., Inc. Sec. Litig.*, No. 99 Civ. 1454 (S.D.N.Y.); *Allain Roy v. dELiA's, Inc.*, No. 99 Civ. 3951 (JES) (S.D.N.Y.); *Russo v. KTI, Inc.*, No. 99-1780 (JAG) (D.N.J.); *Laborers Local 1298 Pension Fund v. Campbell Soup Co.*, No. 00-152 (JEI) (D.N.J.); *Hart v. Internet Wire*, No. 00 Civ. 6571 (S.D.N.Y.); *Ottmann v. Hanger Orthopedic Group, Inc.*, Civil Action No. AW 00CV3508 (D. Md.); *In re PolyMedica Corp. Sec. Litig.*, No. 00-12426-REK (D. Mass.); *Karl L. Kapps v. Torch Offshore, Inc.*, Case No. 02-CV-0582 (E.D. La); *In re Cable and Wireless, PLC, Sec. Litig.*, Civil Action No. 02-1860 (E.D. Va); *In re Alloy, Inc. Sec. Litig.*, Case No. 03-CV-1597 (S.D.N.Y.); *In re Surebeam Corporation Sec. Litig.*, Case No. 03-CV-1721 (S.D. Cal.); *In re Primus Telecoms. Group, Inc. Sec. Litig.*, Master Case No. 04-970-A (E.D. Va.); *In re Netopia Sec. Litig.*, Case No. C 04-3364 (N.D. Cal); *Malasky v. IAC/InterActive Corp.*, Case No. 04-CV-7447 (S.D.N.Y.); *In re Supportsoft, Inc. Sec. Litig.*, C 04-5222 SI (N.D. Cal.); *Berson v. Applied Signal Tech. Inc.*, 4:05-cv-01027-SBA (N.D. Cal.); *The Cornelia I. Crowell GST Trust v. Pemstar, Inc.*, 05-CV-1182 (D. MN); *UFCW Local 880 Retail Food Employers Joint Pension Fund v. Newmont Mining Corp.*, No. 05-CV-01046 (D. Colo.); *Aviva Partners v. Exide Techs.*, 3:05-CV-03098 (D. NJ); *In re Veritas Software Corp. Sec. Litig.*, No. 04-831 (D. Del.); *In re Ionatron, Inc. Sec. Litig.*, Case No. 06-354 (D. AZ); *In re FX Energy, Inc. Sec. Litig.*, 2:07-CV-00874 (D. UT); *In re First Virtual Communications, Inc. Securities Litigation*, No. C-04-3585MJJ (N.D. Cal.); *Melms v. Home Solutions of America*, Civil Action No. 3:07-CV-1961-N (N.D. Tex.); *In re McDermott Int'l, Inc. Sec. Litig.*, 1:08-cv-09943-DC (S.D.N.Y. 2008); *Desai v. Bucksbaum*, No. 09-CV-487 (N.D. IL.); *Bauer v. Prudential, Inc.*, 09-cv-1120 (JLL) (D.NJ); *Klugmann v. American Capital Ltd.*, 09-CV-0005 (D. Md.); *Overby v. Tyco Int'l, Ltd.*, No. 02-CV-1357-B (D.N.H.); *In re Reliant Energy ERISA Litig.*, No. H-02-2051 (S.D. Tex.); *In re AOL Time Warner, Inc. Sec. and ERISA Litig.*, MDL Docket No. 1500

In the consumer area, the Firm has served or is serving as lead counsel in cases involving a variety of industries including banking, *Mathena v. Webster Bank, N.A.*, Civil Action No. 3:10-cv-01448-SRU (D. Conn) and *Farb v. Peoples United Bank*, UWY-CV11-6009779-S Conn Sup. Ct); wholesale milk pricing, *Ice Cream Liquidation, Inc. v. Land O'Lakes, Inc.*, No. 02-cv-0377 (D. Conn.); book printing and distribution, *Booklocker.com, Inc. v. Amazon.com*, 08-cv-00160-JAW (D. Me); gasoline distribution, *Wyatt Energy v. Motiva Enterprises, LLC*, X01 cv 02-0174090-S (Conn. Super Ct); and electricity supply contracts, *Richards v. Direct Energy Services, LLC*, No. 3:14-cv-01724 (D. Conn.), *Chandler v. Discount Power*, No. X03-HHD-CV14-6055537 (Conn. Super. Ct.), *Edwards v. North American Power & Gas, LLC*, No. 3:14-cv-1714 (D. Conn.), *Gruber v. Starion Energy, Inc.*, No. 3:14-cv-01828 (D. Conn.), *Roberts v. Verde Energy, USA, Inc.*, No. HHD-cv-156060160 (Conn. Super. Ct.), *Sanborn v. Viridian Energy, Inc.*, No. 3:14-cv-01731 (D. Conn.), and *Steketee v. Viridian Energy, Inc.*, No. 3:15-cv-00585.

(S.D.N.Y.); *Furstenau v. AT&T*, Case No. 02 CV 8853 (D.N.J.); *In re AEP ERISA Litig.*, Case No. C2-03-67 (S.D. Ohio); *Pettit v. JDS Uniphase Corp.*, Civil Action No. 03-4743-CW (N.D. Cal.); *In re Sprint Corporation ERISA Litig.*, Master File No. 2:03-cv-02202-JWL (D. Kan.); *In re Cardinal Health, Inc. ERISA Litig.*, Case No. C 2-04-642 (S.D. Ohio); *Spear v. Hartford Fin. Svcs Group. Inc.*, No. 04-1790 (D. Conn.); *In re Merck & Co., Inc. Sec., Derivative and ERISA Litig.*, MDL No. 1658 (D.N.J.); *In re Diebold ERISA Litig.* No.5:06-CV- 0170 (N.D. Ohio); *In re Bausch & Lomb, Inc. ERISA Litig.*, Master File No. 06-CV-6297-MAT-MWP (W.D.N.Y.); *In re Dell, Inc. ERISA Litig.*, Case No. 06-CA-758-SS (W.D. Tex.); *In re First American Corp. ERISA Litig.*, SA-CV07-1357 (C.D. Cal.); *In re Hartford Fin. Svcs Group. Inc. ERISA Litig.*, No. 08-1708 (D. Conn.); *In re Merck & Co., Inc. Vytorin ERISA Litig.*, MDL No. 1938, 05-CV-1974 (D.N.J.); *Mayer v. Administrative Committee of Smurfit Stone Container Corp.*, 09-CV-2984 (N.D. Ill.); *In re YRC Worldwide ERISA Litig.*, Case No. 09-CV-02593 (D. Kan); *Board of Trustees of the Operating Engineers Pension Trust v. JPMorgan Chase Bank, N.A.*, 09-cv-09333 (S.D.N.Y.); *White v. Marshall & Ilsley Corp.*, No. 10-CV-00311 (E.D. Wis.); and *Griffin v. Flagstar Bancorp, Inc.*, No. 2:10-CV-10610 (E.D. Mich.); *In re Eastman Kodak ERISA Litig.*, No. 6:12-cv-06051 (W.D.N.Y.).

Izard Nobel is also representing consumers of ramen noodles in an antitrust action (*In re Korean Ramen Antitrust Litig.*, No. C-13-04115 (N.D. Cal.), and purchasers of a variety of consumer products in unfair trade practice cases, including *Langan v. Johnson & Johnson Consumer Companies, Inc.*, No. 13-cv-01470 (D. Conn.), *Fagan v. Neutrogena Corp.*, No. EDCV 13-01316 (C.D. Cal.), *Morales v. Conopco Inc., d/b/a Unilever*, No. 2:13-cv-2213 (ED Cal.), and *Balser v. The Hain Celestial Group, Inc.*, No. 13-cv-5604 (C.D. Cal.). Rounding out their wide-ranging experience, prior to joining Izard Nobel, Robert Izard represented an insurer in price-fixing litigation in various state courts and one federal court around the United States, while Seth Klein worked for the consumer protection department of the Connecticut Attorney General's Office.

The Firm's notable successes include settlements against AOL Time Warner (\$100 million), Cardinal Health (\$40 million), Tyco International (\$70.5 million), Merck (\$49.5 million) and AT&T (\$29 million). The Firm settled a securities fraud class action on behalf of investors in Smallworldwide plc, for over 85% of the total losses claimed by class members, and on behalf of investors in Prudential Financial, Inc. for over 86% of the total claimed losses.

Izard Nobel's successful prosecution of class actions has been recognized and commended by judges in numerous judicial districts. In the Tyco litigation, Judge Barbadoro commented about the Firm and Mr. Izard:

I have absolutely no doubt here that the settlement is fair, reasonable and adequate. I think, frankly, it's an extraordinary settlement given the circumstances of the case and the knowledge that I have about the risks that the plaintiff class faced in pursuing this matter to verdict [I]t was a very, very hard fight and they made you work for everything you obtained on behalf of the Class here....

I have a high regard for you. I know you to be a highly

experienced ERISA class action lawyer. You've represented your clients aggressively, appropriately and effectively in this litigation, and I have a high degree of confidence in you so I don't think there's any question that the quality of counsel here is a factor that favors the Court's endorsement of the proposed settlement. . . .

I have enjoyed working with you in this case. You've always been helpful. You've been a gentleman. You've been patient when I've been working on other matters. .

In re Tyco Int'l Ltd. Sec. Litig., Case No. 02-1335 (D.N.H. Nov. 18, 2009). Similarly, in approving the Sprint settlement, Judge Lungstrum found, "[t]he high quality of [Izard Nobel's] work culminated in the successful resolution of this complex case" and that "the results obtained by virtue of the settlement are extraordinary. . . ." *In re Sprint Corp. ERISA Litig.*, No. 03-2202 (D. Kan. Aug. 3, 2006). A Special Master appointed in the AOL Time Warner case commented that obtaining an additional \$30 million for the class stood out as "some of the hardest work and most outstanding results" obtained by Izard Nobel and its co-counsel. *In re AOL Time Warner, Inc. Sec. and ERISA Litig.*, No. 02-CV-1500 (S.D.N.Y), Report & Recommendation of Special Master dated August 7, 2007.

ATTORNEYS

Robert A. Izard is or has been lead or co-lead counsel in many significant class actions, including cases against Merck, Tyco International, AOL Time Warner, AT&T and Sprint among others. Mr. Izard has substantial experience in other types of complex class action and commercial litigation matters. For example, he represented a class of milk purchasers in a price fixing case. He also represented a large gasoline terminal in a gasoline distribution monopolization lawsuit.

Prior to joining the firm, Mr. Izard was a partner at Robinson & Cole where he represented large corporate clients in a variety of business litigation matters. For example, he represented a large worker's compensation insurer in numerous class action lawsuits filed throughout the country concerning an alleged conspiracy to fix worker's compensation insurance rates.

As part of his twenty plus years litigating complex commercial cases, Mr. Izard has substantial jury and nonjury trial experience, including a seven-month jury trial in federal district court. He is also experienced in various forms of alternative dispute resolution, including mediation and arbitration, and is a Distinguished Neutral for the CPR Institute for Dispute Resolution.

Mr. Izard is the author of *Lawyers and Lawsuits: A Guide to Litigation* published by Simon and Schuster and a contributing author to the *Mediation Practice Guide*. He is the former chair of the Commercial and Business Litigation Committee of the Litigation Section of the American Bar Association.

Mr. Izard received his B.A. from Yale University and his J.D., with honors, from Emory University, where he was elected to the Order of the Coif and was an editor of the *Emory Law Journal*.

Mark P. Kindall joined the firm in 2005, and has worked on many significant class action cases, including ERISA litigation against AOL Time Warner, Kodak and Cardinal Health, securities fraud litigation against SupportSoft, American Capital and Nuvelo, and bank overdraft fee litigation against Webster Bank and People's United Bank. Mr. Kindall successfully argued the 2008 appeal of *Berson v. Applied Signal Tech. Inc.*, 527 F.3d 982 (9th Cir. 2008), and the 2015 appeal of *Balser v. The Hain Celestial*

Group, No. 14–55074, 2016 WL 696507 (9th Cir. 2016), which clarified standards for victims of securities and consumer fraud, respectively.

Mr. Kindall was an associate at Covington & Burling in Washington, D.C. from 1988 until 1990. In 1990 he joined the United States Environmental Protection Agency as an Attorney Advisor. He represented the U.S. government in international negotiations at the United Nations, the Organization for Economic Cooperation and Development and the predecessor of the World Trade Organization, and was a member of the U.S. Delegation to the United Nations Conference on Environment and Development (the “Earth Summit”) in Rio de Janeiro in 1992. From 1994 until 2005, Mr. Kindall was an Assistant Attorney General for the State of Connecticut, serving as lead counsel in numerous cases in federal and state court and arguing appeals before the Connecticut Supreme Court and the United States Court of Appeals for the Second Circuit.

Mr. Kindall has taught courses in appellate advocacy, administrative law and international environmental law at the University of Connecticut School of Law. He is admitted to practice in Connecticut, California, and the District of Columbia. He is also a member of the bar of the United States Supreme Court, the U.S. Courts of Appeals for the Second, Ninth, and D.C. Circuits, and the United States District Courts for Connecticut, the District of Columbia, the Eastern District of Wisconsin, and all District Courts in New York and California.

Mr. Kindall is a 1988 graduate of Boalt Hall School of Law at the University of California at Berkeley, where he served as Book Review Editor of the California Law Review and was elected to the Order of the Coif. He has a bachelor’s degree in history

with highest honors from the University of California at Riverside, and he also studied history at the University of St. Andrews in Scotland.

Seth R. Klein graduated *cum laude* from both Yale University and, in 1996, from the University of Michigan Law School, where he was a member of the Michigan Law Review and the Moot Court Board and where he was elected to the Order of the Coif. After clerking for the Hon. David M. Borden of the Connecticut Supreme Court, Mr. Klein served as an Assistant Attorney General for the State of Connecticut, where he specialized in consumer protection matters and was a founding member of the office's electronic commerce unit. Mr. Klein thereafter joined the reinsurance litigation group at Cadwalader, Wickersham & Taft LLP in New York, where he focused on complex business disputes routinely involving hundreds of millions of dollars. At IZARD NOBEL, Mr. Klein's practice continues to focus on consumer protection matters as well as on complex securities and antitrust litigation.

Douglas P. Needham received his Bachelor of Science degree from Cornell University in 2004 and his Juris Doctorate from Boston University School of Law in 2007. At Boston University, Mr. Needham was the recipient of a merit scholarship for academic achievement and a member of the school's Moot Court Team. Mr. Needham practiced law for six years in Syracuse, New York, devoting his practice to trial and appellate litigation in state and federal court. He moved to Connecticut in May of 2013 to join LeClair Ryan, A Professional Corporation, and became a partner at that firm in 2014. At LeClair Ryan, Mr. Needham prosecuted and defended a variety of business tort claims, including many for breach of fiduciary duty and fraud, in Connecticut, New York and Massachusetts.

Mr. Needham joined IZARD NOBEL in 2016. His practice focuses on fiduciary litigation under ERISA as well as consumer protection and fraudulent business practices.

Christopher M. Barrett has been an integral member of litigation teams responsible for securing monetary recoveries on behalf of plaintiffs that collectively exceed \$150 million. In 2015, he was selected by Super Lawyers magazine as a Rising Star. Super Lawyers Rising Stars recognizes top up-and-coming attorneys who are 40 years old or younger, or who have been practicing for 10 years or less.

Prior to joining the Firm, Mr. Barrett was associated with Robbins Geller Rudman & Dowd, where his practice focused on prosecuting class actions on behalf of plaintiffs, and Mayer Brown, where his practice focused on complex commercial litigation.

Mr. Barrett received his J.D., magna cum laude, from Fordham University School of Law where he served as a member of the Fordham Law Review, and was inducted into the Order of the Coif and the honor society Alpha Sigma Nu. For his work in the law school's law clinic, he was awarded the Archibald R. Murray Public Service Award. He earned his B.S. in Finance from Long Island University. During law school, Mr. Barrett served as a judicial intern to two United States District Judges (S.D.N.Y. and E.D.N.Y.) and a New York Supreme Court Justice.