



the Pomerantz Monitor

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Pomerantz Announces Second-Largest Settlement Ever For an Options Backdating Case

by Jessica N. Dell

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The Pomerantz Firm announced in December that Comverse Technology, Inc. ("Comverse") and its founder and former CEO, Jacob "Kobi" Alexander, had agreed to settle the securities class action filed against them for \$225 million. Comverse will contribute \$165 million to the settlement and Alexander will contribute \$60 million. The settlement constitutes the second largest recovery ever for shareholders alleging securities fraud claims related to options backdating. Patrick Dahlstrom, a Pomerantz partner and lead attorney representing the plaintiffs, stated, "We are very proud to have achieved this settlement, which represents a substantial recovery of damages incurred by the class."

Lead plaintiffs Menora Insurance Co., Ltd. and Mivtachim Pension Funds Ltd. (the "Menora Group"), an Israeli-based insurance company and pension fund, alleged in its suit that the company's compensation committee routinely approved grants of undated and backdated options to Comverse employees, including senior management. Unbeknownst to investors, the company's executives were retroactively "cherry picking" dates when the stock closed at its lowest and falsely claiming that the options were granted on those dates. The exercise prices for the backdated options were thereby based on the stock closing price on the cherry-picked dates. Because the options were actually granted on dates when the market price was higher, backdating placed the options "in the money" the instant they were granted. In some cases, ac-

ording to the complaint, such grants were made to fictitious employees in order to create a slush fund of backdated options for management to dole out as it pleased, often to lure new recruits with extra compensation incentives.

While the law does not explicitly forbid the backdating of options, it does require corporations that engage in this practice to record, as expenses, the difference between the exercise prices on the actual grant date and the phony grant date. However, by backdating the options, Comverse made it appear that the options were granted at the prevailing market price and that no compensation expense needed to be recognized.

Investors suffered huge losses when Comverse disclosed its backdating scheme in March and April 2006. The company's common stock price dropped 20 percent on the heels of the two announcements. In response to the disclosures, Comverse's Board of Directors convened a Special Committee to review internal controls related to the option grants and investigate any accounting violations related to the failure to expense the option grants. During the investigation, the Special Committee uncovered additional accounting violations for errors in the recognition of revenues, the misclassification of expenses, and the recording of certain deferred tax accounts. Ultimately, the company disclosed that it would need to restate its financials for fiscal years 2001 through 2005 and the first three

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quarters of fiscal 2006. In January 2008, Converse's Special Committee filed a Report of its findings from the investigation with the Securities and Exchange Commission.

After the initial complaints in the action were filed, the three main perpetrators of the fraud – CEO Kobi Alexander, CFO David Kreinberg, and General Counsel William F. Sorin – were indicted by the United States Department of Justice. Rather than surrender to the United States Attorney, as he had agreed to do, Kobi Alexander fled the country and surfaced months later in Namibia, where he currently is fighting extradition and is a fugitive from United States justice. Sorin pled guilty to securities fraud and was sentenced to a year and a day in prison, and paid a fine to the Securities and Exchange Commission. Kreinberg has not yet been sentenced for his criminal violations, but has also paid a fine to the Securities and Exchange Commission.

As part of the settlement, Kobi Alexander has agreed to pay \$60 million to settle the class's claims. This constitutes one of the largest recoveries ever made in a federal securities action by an individual defendant. Indeed, the recovery from Alexander is twice that recovered from the CEO in the largest options-backdating case.

Currently, the Settlement and the Plan of Allocation, which establishes the basis for distributing the settlement proceeds to individual Class members, have been submitted to the Court for its approval. The Plan of Allocation affords a recognized loss of \$12.47 per share for those shares purchased during the Class Period and held through January 29, 2008, the date the Special Committee Report was filed with the SEC. The Settlement and Plan of Allocation are subject to final approval by the Court after a "fairness hearing," at which time Class members can voice their opinions on the proposed settlement and plan of allocation. A date for the fairness hearing has not yet been set by the Court.

O Corporate Governance Reform, Where Art Thou?

On January 7, 2009, Pomerantz partner Jason S. Cowart was a featured speaker at the Public Funds Summit held in Phoenix, Arizona. Below is a brief summary of his remarks, entitled "Where are the Corporate Governance Reforms? An up-to-the-minute overview of initiatives designed to increase shareholder power."

The current financial crisis has led many to call for increased governmental regulation, and has also forced policymakers to address ways in which certain market participants – namely institutional investors – can more effectively protect their own interests.

Three shareholder empowerment initiatives are particularly important. The first is the SEC's proposed rule concerning shareholder proxy access. The rule would require companies to include in their proxy materials the names of director nominees submitted by shareholders who owned stock for at least one year and who satisfied certain requirements related to the size of their investment. Although many had hoped that this rule would become final before the end of 2009, the SEC recently announced that it was reopening the comment period until mid-January 2010. A shareholder's power to nominate directors is as fundamental a right as the ability of U.S. citizens to vote. In light of this fact, readers of the *Monitor* are strongly encouraged to express their support of the proposed rule by submitting comments to the SEC.

An equally important initiative concerns the ability of shareholders to have a voice on executive compensation. On December 11, 2009, the House of Representatives passed legislation that would: (a) require all companies to provide shareholders with an advisory vote on pay practices including executive compensation and golden parachutes; (b) enable regulators to ban inappropriate or imprudently risky compensation practices; and (c) increase disclosure requirements related to executive compensation. Similar legislation is pending in the Senate. It seems highly likely that, by the end of 2010, some of these important provisions will become law.

Even if the law is not changed, however, shareholders can address concerns related to executive compensation through the courts. Shareholders have the ability to bring derivative lawsuits, and gain access to corporate books and records, for example, when they believe that corporate executives are being too richly rewarded. In this regard, the Pomerantz Firm recently commenced a lawsuit on behalf of the Louisiana Municipal Police Employees' Retirement System to recoup an extraordinary \$75 million bonus awarded to the CEO of Chesapeake Energy, where that bonus coincided with the company's earnings plummeting by 50% and its stock price declining by 60%.

A third area of reform is a proposal to restore aiding and abetting liability in private actions brought under the Securities and Exchange Act of 1934. The two narrow Supreme

Court decisions that abolished such liability in recent years flew in the face of over sixty years of settled federal jurisprudence, and were especially anomalous given that Congress has recently emphasized the central role that gatekeepers (such as in-house counsel and auditors) play in detecting and preventing such misconduct. Moreover, the ban on aiding and abetting liability has disastrous consequences for investors. In the *Enron* and *Parmalat* cases, for example, the ban prohibited shareholders from holding various banks liable despite the fact that those banks played central roles in the frauds at issue. Similarly, in the current *Refco* litigation, shareholders are prevented from holding Refco's outside counsel liable despite the fact that he pled guilty to various criminal charges stemming from his role in the fraud. Although a draft Senate bill includes language that would undo these Supreme Court decisions, the bill that passed the House of Representatives did not. Readers of the *Monitor* are strongly encouraged to contact their federal representatives on this important issue as well.

Further Evidence of Global Warming: Cracks in Canadian Class Action Ice

As we mentioned in recent issues, Canadian courts have recently become far more receptive to shareholder class actions. Now this trend is extending to Canadian antitrust actions. Two Canadian courts – an Ontario trial court and a British Columbia appellate court – recently certified class actions in cases alleging price fixing conspiracies, in violation of antitrust law (called competition law in Canada). Generally, in price fixing cases, the defendant manufacturers (i.e., competitors) are alleged to have agreed amongst themselves on price and/or supply of a product that results in a higher price than would have otherwise been paid in a competitive market.

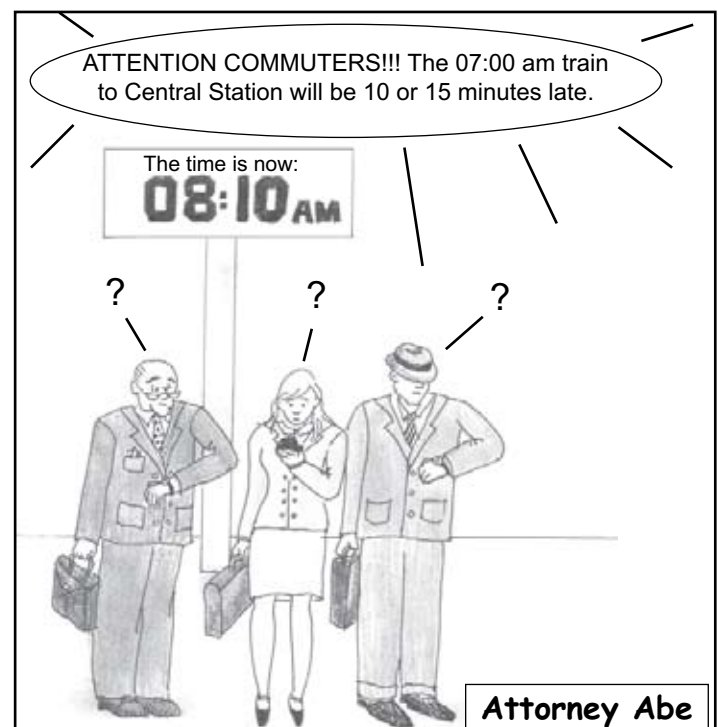
Prior to these two decisions, Canadian courts set a high bar for class certification and were very reluctant to certify class actions. Canadian courts required substantial expert evidence to prove that there was, in fact, a workable methodology to establish both loss and liability on a class-wide basis. Plaintiffs' expert testimony was rigorously scrutinized and defendants' expert opinion – that harm could not be shown on a class-wide basis – was commonly adopted. As a result, very few class actions were certified or even brought in Canada, especially compared to the U.S., where courts are known for certifying a wide variety of class actions.

However, in September 2009, the Ontario Superior Court – in *Irving Paper Limited v. Atofina Chemicals* – granted certification of a class action alleging a pricing fixing conspiracy by producers of hydrogen peroxide. Although common in the U.S., this was one of the first times that a Canadian court had certified a class of direct and indirect purchasers in an alleged price-fixing conspiracy case.

Shortly thereafter, in November 2009, the British Columbia Court of Appeal (“BCCA”) – in *Pro-Sys Consultants Ltd. v. Infineon Technologies AG* (“DRAM”) – overturned a lower court ruling and certified a class action alleging a pricing fixing conspiracy by manufacturers of computer chips, known as Dynamic Random Access Memory, that are in computers and other electronic devices. DRAM is significant because it is the first important appellate decision that deals with class action competition law.

Together, *DRAM* and *Irving Paper* have – for now – lowered the bar for plaintiffs to establish loss and liability on a class-wide basis. In general, in *DRAM*, the BCCA held that “[t]he provisions of the CPA [Class Proceedings Act] should be considered generously in order to achieve its objectives: judicial economy ...; access to justice ...; and behavior modification” Toward this end, the BCCA further recognized that “[t]he

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certification hearing does not involve an assessment of the merits of the claim; rather it focuses on the form of the action in order to determine whether the action can appropriately go forward as a class proceeding. * * * [I]n conformity with the liberal purpose approach to certification, the evidentiary burden in not an onerous one."

More specifically, in *DRAM*, the Court recognized that plaintiff, at this early stage of the litigation, "was required to show only a credible or plausible methodology" to establish loss and liability on a class-wide basis and not the higher standard that the existence of harm must, in fact, be determined. In *Irving Paper*, the trial court held that plaintiffs need only show that such a plausible methodology "may" exist: "Accordingly, where expert opinion evidence is adduced at the certification stage, ... it should not be subjected to the exacting scrutiny required at trial."

No question, the *DRAM* and *Irving Paper* decisions represent a significant crack in the Canadian class action ice in favor of price fixing class actions. These two decisions are clearly inconsistent with prior jurisprudence. However, whether this fissure expands or contracts is uncertain. Both of these cases will be appealed and the Supreme Court of Canada will likely have the final say. In the meantime, as a result of the current uncertainty, Canada will probably see an increase in class action litigation.

Adam G. Kurtz

The Fund That Knew Too Much

Although the securities laws encourage the appointment of large, sophisticated investors as lead plaintiffs in securities class actions, when institutional investors are appointed lead plaintiff at the outset of a case they often face the argument down the road that, because of their very sophistication and size, they are atypical of other class members and therefore should not be certified as representative of the class.

Recently, in the securities fraud case *Beach v. Healthways*, a Tennessee Federal District Court denied certification of a plaintiff class because the lead plaintiff, a local firefighters' pension fund, was "atypical" of the class. The reason was that the fund's investment manager met with management of the company before deciding to invest in it. As a result, the court held, defendants might have unique defenses to the fund's

claims, including a defense that the fund relied on these direct conversations and therefore did not rely on the "integrity of the market," making the "fraud-on-the-market" reliance theory inapplicable to the fund's claims. "The presumption of reliance," the court held, "may be rebutted if a purchaser of stock relies on non-market information that is not generally available to the public and, therefore, not available to the unnamed class members... any reliance on non-market information means that the plaintiff cannot be said to have relied on the integrity of the market and, therefore, that plaintiff is atypical of those who have so relied."

Although plaintiff argued strenuously that its manager did not learn or rely on any non-public information, the court held that "Whether the defense will be successful is of no matter. If the Lead Plaintiff would be required to devote considerable time to rebut the claim that its purchases were based not on the integrity of the market, but on non-public information that it received, then the situation would prejudice absent class members."

The district court's ruling is entirely inconsistent with Congress' intent to encourage institutional investors – who are sophisticated investors – to be lead plaintiffs. We hope the courts will recognize this aberrational reasoning for what it is.

Our Say on Pay

One of the most depressing stories of the year has to do with AIG, which was the corporation the country hated most – for losing so much money – until it was recently surpassed by Goldman Sachs – for making so much money so quickly after the financial collapse. AIG's catastrophic business decisions, followed by its insistence on maintaining astronomical financial rewards for its executives, helped prompt the creation of the federal government's "pay czar" to ride herd on the pay of the bailed-out financial institutions.

When the public backlash first struck at AIG months ago, AIG made noises that its executives would voluntarily return the bulk of their bonuses from last year. More recently, though, reports have come out saying that hardly any of those bonuses have actually been returned. Topping that depressing news are reports that AIG's general counsel and vice chair, Anastasia Kelly, has used the fed's pay restrictions as an excuse to trigger her golden parachute, unleashing millions of dollars in severance payments. That should be illegal.

Golden parachutes protect senior executives who may suddenly be fired without cause, particularly after a change of control of the company. The thinking is that by insulating management from financial consequences if they are fired after a merger, the parachute allows the executives to evaluate merger proposals on their merits, without fear of financial loss if a merger presents an attractive opportunity for the shareholders.

An outright firing is not always required to trigger parachute payments; a dramatic loss of power can also suffice. The logic of that rule is also defensible: if acquirers could avoid making parachute payments simply by squeezing people out, rather than by firing them, CEOs could be demoted to the mail room and would have no recourse.

In the case of AIG, however, the new guy on the block with the stick is not an acquiring corporation, but the federal government, which bailed out AIG and other distressed financial institutions and subsequently imposed new executive pay limits on those institutions. Faced with a new \$500,000 cash pay limit, Kelley reportedly advised four other executives that this development entitled them to resign and collect on their golden parachutes.

AIG management was taken aback by Kelley's efforts to advise other senior executives about how they could enrich themselves at the company's expense. It retained an outside law firm to investigate Kelley's conduct, and it apparently concluded that Kelley's actions were not punishable.

Although the other four executives decided not follow Kelly's advice, Kelly herself has resigned and AIG has apparently agreed to fork over her parachute payments. The moral of this story seems to be that by trying to put a lid on executive compensation, the feds may have opened the door to ... even more ridiculous compensation.

H. Adam Prussin

Constar Case Examines Market Efficiency at Class Certification Stage

In deciding whether to certify class actions, courts must sometimes consider factual questions that are related to the merits of the case. In the past, on class certification, motions courts typically abstained from deciding such overlapping is-

ssues, and instead accepted as true the facts pleaded in the complaint.

In a case called *Hydrogen Peroxide*, the Third Circuit abandoned that approach and replaced it with an obligation of the district court to conduct a "rigorous analysis" of all facts relevant to the class determination, whether or not those facts also related to the merits of the case. Since then we have waited to find out whether this "rigorous analysis" would be applied to a factual examination on class certification of a securities action as to whether the market for a defendant's securities is efficient. If so, would district courts within the Third Circuit find sufficient individual issues in determining efficiency -- which are critical to show materiality, reliance, and loss causation -- to doom (or at least render highly questionable) the ability to certify a securities action? The answer, from a recent Third Circuit case, *In re Constar Int'l, Inc. Sec. Litig.*, while not yet a definitive "no," is now much closer to "perhaps."

The court in *Hydrogen Peroxide* instructed lower courts to "delve beyond the pleadings to determine whether the requirements for class certification are satisfied." Even an "overlap between a class certification requirement and the merits of a claim is no reason to decline to resolve relevant disputes when necessary to determine whether a class certification requirement is met." Since market efficiency is an ultimate merits issue, courts previously had simply accepted plaintiffs' allegations in determining whether the requirements for class certification have been met.

This may no longer be the case. In *Constar*, defendants argued that the court erred in certifying a class since it should have first decided whether the market for Constar's securities was efficient. If the market were inefficient, questions of materiality, loss causation, and injury would need to be decided on an individual basis, and the requirement that common issue predominate would not be satisfied. If the market were efficient, but subsequent disclosures did not correct the alleged misrepresentations or cause a decline in the stock price, the misrepresentations themselves could not have caused a loss.

The *Constar* court declined to accept this argument because the action had been brought under section 11 of the Securities Act, which governs representations made in a registration statement, in which plaintiffs do not have the burden of proving loss causation, damages are statutorily established, and plaintiffs do not need to establish reliance where they pur-

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chased stock less than twelve months from the effective date of the registration statement.

However, dicta suggest a far different outcome under section 10(b) of the Securities Exchange Act. The court noted that defendant's argument that loss causation and injury were not common issues that would predominate "might be persuasive if this were a section 10(b) case." Similarly, the court concluded: "The formulaic nature of section 11 leaves defendants with little room to maneuver. Were this a section 10(b) claim, or another claim requiring reliance and proof of loss causation, the efficiency issue might be instructive, if not dispositive."

We expect this issue to be joined in short order, in an appeal of a motion for class certification of a section 10(b) claim.

Robert J. Axelrod

Big Four Investment Bankers Roasted by Angelides Commission

It was a scene that called to mind other "historic" Congressional hearings, including those where the tobacco company executives, automobile company honchos, and pumped-up baseball players had trooped to the witness table and raised their hands in unison to take the oath.

This time the hearings were the opening salvo of the so-called Angelides Commission, empowered by Congress to investigate the reasons for the financial panic of 2008-09. Four investment banking big shots took the oath together on January 13: Lloyd Blankfein of Goldman Sachs, Jamie Dimon of JP-Morgan Chase, John J. Mack of Morgan Stanley and Brian T. Moynihan of Bank of America. These guys were all days away from announcing that their companies had returned to out-sized profitability and were awarding pre-crash size bonuses to their employees – while most of the rest of the country was still mired in the wreckage those banks had wrought.

Blankfein was clearly the star witness, if only because his company was now the most hated enterprise in America, taking over that title from AIG. Blankfein came into the hearing on the heels of his already infamous remark that Goldman, rather than being blameworthy for our current economic plight, has been doing "God's work."

Invoking the deity once again, Blankfein told the Commission that the financial crisis was not the bankers' fault but was an "act of God." Angelides obviously disagreed, responding that "Acts of God, we'll exempt. These were acts of men and women." Blankfein also argued that high-risk mortgage-backed securities were marketed to "professional investors who want this exposure"; but Angelides responded that those investors included pension plans holding the retirement savings of millions of ordinary Americans. Pointing out that Goldman was selling some of those same investments short at the very moment it was touting them to these pension plans, Angelides cracked that "It sounds to me a little bit like selling a car with faulty brakes and then buying an insurance policy on the buyer of those cars."

Round one in the battle of the sound bites: Angelides 1, Blankfein zero. But the real question is whether any meaningful reform will come out of these hearings. The last time such a commission was appointed, the famous Pecora Commission was empowered to investigate the causes of the crash of 1929. The result was the enactment of the federal securities laws and the creation of the SEC. Can a feat that momentous be duplicated now?



Jeremy A. Lieberman is now a member of the Firm. For more than five years, Jeremy has been a valued member of Pomerantz' Institutional Investor Practice Group and New Case Group. He has an active role in a number of our securities fraud class actions, including the case against Comverse Technology and certain of its former officers that Pomerantz recently settled for \$225 million, the second-largest recovery ever for an options backdating case.

Jeremy regularly consults with foreign pension funds and institutional investors regarding their rights under U.S. securities laws.



Anthony F. Maul has joined the Firm as an associate. Tony brings to Pomerantz his considerable experience in complex commercial and business litigation.

Tony authored "Are the Major Labels Sandbagging Online Music? An Antitrust Analysis of Strategic Licencing Practices."

At Pomerantz, Tony focuses on securities, antitrust and health insurance litigation.

PomTrack© Class Actions Update

The Pomerantz Firm, through its proprietary PomTrack© system, monitors client portfolios to identify potential claims for securities fraud, and to identify and evaluate clients' potential participation in class action settlements.

NEW CASES:

A selection of recently filed securities class action cases filed by various law firms are listed below. If you believe your fund is affected by any of these cases, contact Pomerantz for a consultation.

<u>Case Name</u>	<u>Ticker</u>	<u>Class Period</u>	<u>Lead Plaintiff Deadline</u>
Siemens AG	SI	November 8, 2007 – April 30, 2008	February 5, 2010
Sterling Financial Corp. (2009)	STSA	July 23, 2008 – January 13, 2009	February 9, 2010
MetroPCS Communications Inc.	PCS	February 26, 2009 – November 4, 2009	February 16, 2010
NightHawk Radiology Holdings Inc.	NHWK	April 10, 2007 – February 13, 2008	February 16, 2010
State Street Corp. (2009)	STT	October 17, 2006 – October 19, 2009	February 17, 2010
Terex Corporation	TEX	February 20, 2008 – September 4, 2008	February 19, 2010
BofA Corp. (2009) (Debt Securities)	N/A	September 15, 2008 – January 21, 2009	February 22, 2010
Washington Mutual Asset Accept. Corp.	N/A	Inception – October 30, 2009	February 22, 2009
Kohlberg Capital Corporation	KCAP	March 16, 2009 – December 24, 2009	March 1, 2010
Rentech, Inc.	RTK	February 8, 2008 – December 15, 2009	March 1, 2010
Revlon, Inc. (2009)	REV	September 24, 2009 – October 8, 2009	March 1, 2010
Haven Trust Bancorp, Inc.	N/A	December 31, 2006 – December 12, 2008	March 5, 2010
Genworth Financial Wealth Management (BJ Group Services Portfolios)	N/A	December 22, 2003 – December 22, 2009	March 8, 2010
Variable Annuity Life Insurance Company	N/A	January 1, 1974 – present	March 9, 2010
Direxion Energy Bear 3X Shares Fund	ERY	November 5, 2008 – April 9, 2009	March 15, 2010
ProShares Ultra Basic Materials Fund	UYM	N/A	January 13, 2010
BofA Corporation (Options)	N/A	September 15, 2008 – January 22, 2009	March 16, 2010
Koss Corporation	KOSS	July 12, 2005 – December 21, 2009	March 16, 2010
Stryker Corporation	SYK	January 25, 2007 – November 13, 2008	March 16, 2010

SETTLEMENTS:

The following class action settlements were recently announced. If you purchased securities during the listed class period, you may be eligible to participate in the recovery.

<u>Case Name</u>	<u>Amount</u>	<u>Class Period</u>	<u>Claim Filing Deadline</u>
Opnext, Inc.	\$2,000,000	February 14, 2007 – February 13, 2008	February 5, 2010
International Rectifier Corp.	\$90,000,000	July 31, 2003 – February 11, 2008	February 6, 2010
Hovnanian Enterprises Inc.	\$4,000,000	June 30, 2005 – December 19, 2007	February 12, 2010
Vonage Holdings Corp.	\$3,600,000	May 24, 2006	February 12, 2010
Enron Corp.	\$11,500,000	September 9, 1997 – December 2, 2001	February 16, 2010
Marsh & McLennan Companies	\$400,000,000	October 14, 1999 – October 13, 2004	February 22, 2010
Sara Lee Corp.	\$4,250,000	August 1, 2002 – April 24, 2003	February 25, 2010
American Home Mortgage Investment Corp.	\$37,250,000	July 19, 2005 – August 6, 2007	March 1, 2010
Metawave Communications Corp.	\$1,500,000	April 24, 2001 – March 14, 2002	March 1, 2010
Occam Networks, Inc.	\$13,945,000	April 29, 2004 – October 15, 2007	March 8, 2010
ADVO, Inc.	\$12,500,000	July 6, 2006 – August 30, 2005	March 18, 2010
Sonic Solutions, Inc.	\$5,000,000	October 23, 2002 – May 17, 2007	March 22, 2010
Globalstar, Inc.	\$1,500,000	November 3, 2006	March 26, 2010
Parmalat Finanziaria, S.p.A.	\$15,000,000	January 5, 1999 – December 18, 2003	April 9, 2010
Threshold Pharmaceuticals, Inc.	\$10,000,000	February 4, 2005 – July 14, 2006	April 15, 2010
American Dental Partners, Inc.	\$6,000,000	February 25, 2004 – December 13, 2007	April 17, 2010
Isilon Systems, Inc.	\$15,000,000	December 14, 2006 – November 8, 2007	May 1, 2010
Atlas Mining Co.	\$1,250,000	January 19, 2005 – October 8, 2007	May 6, 2010
Dell Inc.	\$40,000,000	May 16, 2002 – September 8, 2006	May 11, 2010
Quest Software, Inc.	\$29,400,000	November 9, 2001 – July 3, 2006	May 14, 2010
Royal Dutch Petroleum/ The Shell Transport and Trading Company PLC (Netherlands)	\$389,072,515	April 8, 1999 – March 18, 2004	November 5, 2010

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The Pomerantz Firm is acknowledged as one of the premier firms in the areas of corporate, securities, antitrust, and insurance litigation. Founded by the late Abraham L. Pomerantz, known as the 'dean of the class action bar,' the Pomerantz Firm pioneered the field of securities class actions. Today, more than 70 years later, Pomerantz continues in the tradition that Abe Pomerantz established, fighting for the rights of victims of securities fraud, breaches of fiduciary duty, and corporate misconduct. Prior results, however, do not guarantee a similar outcome in future cases.

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