

KRAUSE, KALFAYAN, BENINK & SLAVENS, LLP

www.kkbs-law.com

KRAUSE, KALFAYAN, BENINK & SLAVENS, LLP (“Krause Kalfayan”) is a leading San Diego-based plaintiffs class-action law firm. Krause Kalfayan, Benink & Slavens , LLP (formerly Krause & Kalfayan) represents individuals, businesses, and institutional investors in complex civil litigation in the areas of securities, antitrust, consumer fraud, partnership and business law. Although the firm handles both individual and class action litigation, it has a substantial reputation as a class action firm and has been at the forefront of multi-million dollar cases against some of the most powerful companies in the world. Krause Kalfayan has obtained numerous significant settlements or judgments for individuals and businesses in California and the United States. In recent years, the firm has expanded its practice to consumer and unfair competition cases and has obtained substantial results benefitting consumers.

RALPH B. KALFAYAN

Ralph B. Kalfayan received a Bachelor of Science degree in Accounting from the University of San Diego in 1982. He was a member of the honors fraternity Beta Alpha Psi on campus and graduated with honors in his major. He received his Juris Doctor degree in 1985 and his Master of Laws degree with an emphasis in intellectual property in 2012 from University of San Diego School of law.

Upon graduation, Mr. Kalfayan was employed for three years with the international firm of Arthur Andersen & Co. Mr. Kalfayan worked in the tax department, where he provided tax consulting and tax compliance work and in the audit department, where he reviewed financial statements and helped issue audit opinions.

In 1988, Mr. Kalfayan joined the law firm of Borton Petrini & Conron becoming a partner in 1991. Mr. Kalfayan specialized in business litigation and transactional matters

including real estate transactions, general commercial transactions, corporate work, partnership work, tax litigation or consulting work, contract disputes, and large acquisition work. Mr. Kalfayan is also an experienced trial attorney and has handled a number of civil trials before a jury and several major appeals.

In August 1993, Mr. Kalfayan became of counsel to the Law Offices of James C. Krause, and in January 1994, he became a member of Krause & Kalfayan.

Among the articles Mr. Kalfayan authored are: Ensuring Access to Affordable Medication: The Supreme Court's Opinion in F.T.C. v. Actavis, Inc. (Summer 2013) in Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California Vol. 22, No. 2; Buying a Business (April 15, 1993) in Business and Industry News Vol. 3, No. 2; Building a Business: Tools for the Entrepreneur (August 1, 1993) In Business & Industry News Vol. 3, Number 9; Reducing your Property Taxes in the San Diego Business and tax forecast magazine, December 1991. Seminars conducted by Mr. Kalfayan include: California Sales & Use tax, Lorman Education Services, December 5, 1991; Business and Finance Conference at Jack Murphy Stadium, December 5, 1990; Estate Planning with Prudential Bache, Spring of 1990.

Mr. Kalfayan has proven himself as a successful litigator. He successfully obtained a jury verdict in Emma R. Carbonell, MD, et al. v. Kern Medical Services, Inc., et al., in the amount of \$1,504,594.30. He settled in trial for \$1 million in Gordon Giles v. Weiss Family Trust, et al.; and achieved a settlement in the amount of \$625,000 in Sylvia Ortega v. La Estrella Night Club, et al.; and reached a settlement in the amount of \$4.5 million in Doe v. Roes.

Mr. Kalfayan works on numerous class actions. He represented the class plaintiffs in In re Natural Gas Anti-Trust Cases I, II, III, IV & V, San Diego Superior Court, JCCP Nos. 4221,

4224, 4226, 4228 which resulted in settlements of \$159 million for plaintiffs. He is also working on the following: *In re DYNAMIC RANDOM ACCESS MEMORY (DRAM) ANTITRUST LITIGATION* Master File No. M-02-1486-PJH MDL No. 1486, United States District Court Northern District of CA, Oakland Division; *In re KOREAN AIR LINES CO., LTD. ANTITRUST LITIGATION* Master File No. CV 07-05107 MDL No. 1891 United States District Court Central District of CA, Western Division; *Steven Bugge, etc. v. LG CHEM, LTD.*, et al. Case No. C12-6492 EMC United States District Court Northern District of CA; *Antelope Valley Groundwater Cases*, Judicial Council Coordination Proceeding No. 4408 Case No. 1-05-CV-409053, Superior Court of California County of Santa Clara; *In re PROCESSED EGG INDIRECT PURCHASER ANTITRUST LITIGATION*, US District Court Eastern District of Pennsylvania, MDL 2002; *Stewart v GOGO, Inc. Antitrust Litigation*, US District Court Northern District of California, Case No. 3:12-cv-5164-EMC; *Dang v National Football League Indirect Purchaser Antitrust litigation*, US District Court Northern District of California, Case No. 5:12-cv-5481-EJD.

ERIC J. BENINK

Mr. Benink was admitted to the California bar in 1997. He received a Bachelor of Business Administration degree from the University of Massachusetts - Amherst in 1992 and a Juris Doctor and Master of Business Administration degree from the University of San Diego in 1996.

In 1997, Mr. Benink began working in the Enforcement Division of the Department of Corporations, California's securities, commodities, franchise; and finance and mortgage lender regulator. He investigated dozens of illegal stock offerings, private placement frauds, illicit brokerage practices, and ponzi schemes; and brought civil and administrative actions against the

perpetrators. He also worked closely with criminal agencies in their prosecution of violators of laws under the jurisdiction of the Department.

In 2002, Mr. Benink joined Krause & Kalfayan as an associate and represents consumers, businesses and shareholders in securities, consumer fraud, and business litigation actions in state and federal court. He has prosecuted consumer and business litigation cases against Wells Fargo Bank, Sprint, Ticketmaster, Fleet Bank, and Apple Computer. He represents hedge funds in securities actions. He also represents investors in FINRA arbitrations. In 2005, Mr. Benink became a partner in the firm, which was renamed Krause Kalfayan Benink & Slavens, LLP.

Mr. Benink is the author of *The Model State Commodities Code, A Regulator's Perspective*, published in the Law Enforcement Reporter, Winter 1999. He has testified as a securities expert witness for the San Diego District Attorney's Office and has been appointed by the San Diego Superior Court as a receiver in three securities fraud case. Mr. Benink is a member of the San Diego County Bar Association, the Consumer Attorneys of San Diego, a graduate of LEAD San Diego, and former President of the Old Mission Rotary Club (2009 - 2010). He is a member of the Board of Directors for the George G. Glenner Alzheimer's Centers, Inc. He is a contributor to the *Trial Bar News*, a publication of the Consumer Attorneys of San Diego.

Mr. Benink acted as lead counsel in *Shames v. City of San Diego*, (San Diego Superior Court, Case No. GIC 831539), a class action that recovered \$40 million for residential sewer customers. He has prosecuted numerous class actions cases, including but not limited to: *Soto v. STI Prepaid, LLC* (San Diego Superior Court, Case No. GIC868083) (violation of prepaid calling card statute); *Neborsky v. Redem Technologies, Inc.* (San Diego Superior Court, Case No. GIC GIC804280) (securities fraud); *Milne v. Ticket Innovations, Inc.* (breach of fiduciary duty

to shareholders) (Los Angeles Superior Court, BC 311258) ; *Ruffalo v. En Pointe Technologies, Inc.* (United States District Court for Southern District of California, 3:01-cv-00205 BEN-AJB) (federal securities fraud); and *Rivera v. Sprint International Communications Corp.* (San Diego Superior Court, GIC799868) (international phone over charges), He also represents rate payers in cases involving illegal utility fees in violation of Proposition 218.

VINCENT D. SLAVENS

Mr. Slavens was admitted to the California Bar in 2001. He received his Bachelor of Arts degree in Corporate Finance from San Diego State University in 1994 and graduated with honors (*magna cum laude*) from California Western School of Law in 2001.

Prior to law school, he worked as a licensed investment broker for a number of years. During law school, Mr. Slavens successfully became a member of the California Western School of Law, Law Review. After becoming a member of the California Bar in 2001, he joined Krause & Kalfayan as an associate attorney and has put his securities experience to use in securities litigation, including arbitration matters with the National Association of Securities Dealers (NASD), now FINRA. He has also been involved in class action cases in securities, antitrust, and consumer law. In 2005, he became a partner in the firm, which was renamed Krause Kalfayan Benink & Slavens, LLP.

Mr. Slavens has been active in the legal community by volunteering with the volunteer lawyers program, where he participated as a panelist on issues relating to the brokerage industry and corporate scandals; and has provided substantial *pro bono* services to a local non-profit organization. He has also written an article on whistle blower standing under the RICO statutes,

and an article titled “They Heard It Through The Grapevine” accepted for publication in Trial Bar News.

Mr. Slavens has acted as lead associate in class actions such as Glea F. Bobbs v. Southern Pacific Equities, LLC., (alleging securities law violations - with settlements to of over \$7.75 million). He also handled an arbitration on behalf of nearly 20 investors in Larner, et al v. Wedbush Morgan Securities, et al (alleging misrepresentations and violation of securities laws).

Mr. Slavens has also handled more than thirteen arbitrations and has obtained more than \$3,000,000 in settlements or awards. He has represented investors in the following securities cases:

- *Rogers v. Fisher Investment Advisors, Inc.*, (Arb. No. 73 169 00187 03 JMLE) Arbitration before the American Arbitration Association. The firm represented an investor who had hired an investment advisor to manage his money prudently. The firm claimed that Fisher Investments breach its contract and was negligent when it invested nearly all of Rogers’ assets in the stock market contrary to his stated objectives, resulting in a significant loss. The firm successfully obtained an award at arbitration in favor of client in amount of \$142,210.85.
- *Johnson v. Clements Company Investment Advisors, Inc.*, (Arb. No. 01-04915) Arbitration before the National Association of Securities Dealers. The firm represented investors against a brokerage firm and claimed that the broker recommended investments which were not suitable in view of the clients stated objectives and risk tolerance. The case has settled.

- *Johnsons v. Standex Int'l Corp., dba The Berean Christian Stores*, (GIC 797402) Superior Court, San Diego, California. The firm represented investors against a book store and claimed that it held an investment broker out as its employee or agent and that the book store was vicariously liable under a theory of ostensible agency. The case has settled.
- *Persico v. Sands Bros., Inc.*, (Arb. No. 01-04617) Arbitration before the National Association of Securities Dealers. The firm represented an investor against a brokerage firm and claimed that the broker traded stocks in his account without authorization. The case has settled.
- *Mendelsohn v. Seaboard Securities, Inc., et al* (Arb. No. 02-01976) Arbitration before the National Association of Securities Dealers. The firm represented an investor against a brokerage firm and claimed that the broker recommended an investment in a “short position” which was highly speculative and not suitable in view of the clients stated objectives and risk tolerance. The case settled.
- *Carolyn Hamburger, et al v. Morgan Stanley DW, et al*, (Arb. No. 02-01976) Arbitration before the National Association of Securities Dealers. The firm represented investors against a brokerage firm and claimed that the broker recommended an investment program that was speculative and not suitable in view of the clients stated objectives and risk tolerance, and that the broker excessively traded the accounts (*i.e.* “churning”). The case settled.

- *Gladys F. Prince v. McCarn's Allstate Finance, Inc.*, (GIC 805084)
Superior Court, San Diego, California. The firm represented investors against an investment advisor and claimed that the broker violated California law by offering and selling to Ms. Prince unregistered securities. The case settled.

LYNNE M. BRENNAN

Lynne M. Brennan received a Bachelor of Arts degree with Distinction in Political Science and Economics from the University of California at Berkeley in 1986. After graduation, she worked for one year as a Commodity Options Broker in San Diego before starting law school. Ms. Brennan received her Juris Doctor degree in 1990 from the UCLA School of Law. During her third year of law school, she was an Intern at the International Trade Commission, Office of the General Counsel in Washington, D.C.

Upon graduation from law school, Ms. Brennan joined the law firm of Pillsbury Madison & Sutro in San Diego. While at Pillsbury (Top 5 Law Firm Nationally at the time), Ms. Brennan was trained by top litigators to excel at all fundamental litigation skills, including legal research and writing for complex cases, taking and defending depositions (both expert & percipient), arguing dispositive motions, propounding & responding to discovery, and conducting trials and arbitration proceedings. Ms. Brennan's areas of practice included Trade Secret Misappropriation, Antitrust, Bankruptcy, Maritime, Business, Real Estate, and General Civil Litigation. Ms. Brennan made frequent appearances in both State and Federal Courts and was a member of a six-person trial team on the high profile biotech trade secret misappropriation case, *Ixsys vs. Stratagene*.

In 1992, Ms. Brennan joined Campbell & Flores, a boutique law firm specializing in biotech patent litigation and founded by a prominent former Pillsbury Madison & Sutro Litigation Partner. Ms. Brennan was a Litigation Associate from 1992 to 1998 and then became a Litigation Partner in 1998. She helped secure a \$15 million verdict for her clients in a high-stakes biotech patent infringement case – *Integra vs. Merck KGaA* – after a six-week jury trial in the Southern District of California. Ms. Brennan was Second Chair at trial and handled the key scientific witness/patent inventor as well as the damages expert. Ms. Brennan developed and executed a novel damages theory for the four-year case using key provisions found in biotech industry license agreements. Ms. Brennan is the Co-Author of the "Protecting Biotechnology" Chapter in Trade Secrets Practice in California (CEB) and the Author of "Successful Strategies for Markman Hearings" in AIPLA QJ (American Intellectual Property Law Association).

In 2000, Ms. Brennan left law firm life and bought the North County Soccer Park (NCSP) in Poway, California. Ms. Brennan owned and operated NCSP as a very profitable sports business for the next thirteen years. She earned millions in gross sales during her tenure without being sued by focusing on risk management and customer satisfaction for over 30,000 customers playing a contact sport (approximately 1500 customers per week). Ms. Brennan also acted as In-House Counsel for NCSP which involved many areas of the law, including business, employment, environmental, franchise, real estate, and intellectual property law. She worked with outside counsel at top San Diego and Los Angeles law firms on environmental and real estate issues. Ms. Brennan handled all aspects of compliance with California employment law relating to hiring/firing, wage & hour laws, supervision, discipline, evaluations, and promotions for hundreds of employees over a thirteen-year period. For nine years, Ms. Brennan ran all

aspects of one of the most successful youth soccer classes programs in the United States, including all hiring, marketing, and oversight for the NCSP Lil' Kickers program.

In June 2013, Ms. Brennan began litigating cases on a project basis for Cadence Counsel, a business started by two former Latham & Watkins attorneys which focuses on cost-effective, as-needed legal representation by highly-qualified attorneys. Ms. Brennan's work for Cadence Counsel's clients and other clients focused on litigation tasks for complex legal cases, including pretrial discovery, settlement negotiations, and legal research and writing. Her practice areas included patent law, real estate, business contract disputes, trade secret misappropriation, and employment law (focus on wage & hour law). In early 2014, Ms. Brennan successfully defended against claims of trade secret misappropriation and prosecuted cross-claims for Labor Code violations/emotional distress for an individual and her small business in a San Diego Superior Court case. Prior to joining Cadence Counsel in June 2013, Ms. Brennan successfully litigated a four-day bench trial before Superior Court Judge Robert C. Longstreth involving a business and land ownership dispute. In addition, Ms. Brennan handled all pre-trial work including depositions, written discovery, and witness preparation.

On August 1, 2014, Ms. Brennan joined Krause Kalfayan Benink & Slavens as Of Counsel. Ms. Brennan's practice focuses on plaintiffs' class action lawsuits involving antitrust violations by corporate defendants, including "reverse payment" or "pay to delay" settlement agreements between brand name pharmaceutical drug manufacturers and generic drug manufacturers. Other cases involve anticompetitive pricing of consumer products by corporate defendants and groundwater rights of 18,000-plus landowner class members in the Antelope Valley. Ms. Brennan is able to utilize her many years of experience litigating complex patent infringement cases and owning a San Diego-based business on behalf of the firm's clients.