

TAB "A"

RESUME' OF MITCHELL A. TOUPS

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Mr. Toups received his Doctorate of Jurisprudence, cum laude, from Texas Tech University School of Law in 1982. He has been licensed to practice law in the State of Texas since May, 1983. In addition, Mr. Toups is Board Certified in Civil Trial Law and Personal Injury Trial Law by the Texas Board of Legal Specialization; and Board Certified in Civil Trial Law by the National Board of Trial Advocacy.

My other memberships include the Jefferson County Bar Association; the American Bar Association; the State Bar of Texas; the Texas Trial Lawyers Association; and the American Trial Lawyers Association.

In addition, Mr. Toups has been admitted to practice before, and remains in good standing in the following courts:

COURT	DATE ADMITTED
United States Supreme Court	June 6, 1994
U.S. Court of Appeals - Fifth Circuit	November 22, 1983
U.S. District Court (Southern District of Texas)	December 31, 1985
U.S. District Court (Eastern District of Texas)	November 18, 1983
U.S. Court of Federal Claims (Formerly U.S. Claims Court)	December 1, 1990
Supreme Court of Texas	May 13, 1983

COMPLEX / CLASS LITIGATION EXPERIENCE OF MITCHELL A. TOUPS

My experience involving mass tort litigation and class actions is too voluminous to recite, but includes some of the following cases:

Cook vs. Colonial - Lead Counsel for 5,000 Plaintiffs

Cook was a consolidation of 9,000 Plaintiffs pending in the State Court of Jefferson County, Texas regarding the pipeline ruptures in Houston, Texas, in 1994. This case is now settled. Class allegations were involved in this case, although the case was eventually settled for a confidential amount as a mass tort since most class members filed suit.

Albright v. Aeroquip - Lead Counsel for all Plaintiffs

Albright was a consolidation of CASES in State Court in Jefferson County, Texas with over 100 Plaintiffs and Decedents regarding the Imperial Food Fire in North Carolina where 25 people died and 80 others were injured. This case involved over 40 defendants. Class allegations were involved in this case although the case was settled for a confidential amount as a mass tort since all Plaintiffs filed suit.

Adams v. Wyeth - Lead Counsel for all 1,200 Plaintiffs

Adams was a consolidated action of over 1,200 Plaintiffs pending in State Court in Jefferson County, Texas. This case is now settled for a confidential amount.

TMJ LITIGATION - Lead Counsel for ~700 Plaintiffs Individually & Co-Lead Class Counsel

TMJ Litigation - This litigation involves over 10 years of action in State and Federal Court in Texas and Louisiana. Part of the cause of action includes the Methodist Hospital National Class Action which settled in Federal District Court for the Southern District of Texas, Houston Division. The other part of the litigation involves class actions in Louisiana and over 700 individual cases filed in the State of Louisiana. To date, over \$100 Million in settlements have been achieved.

UST LITIGATION - Co-Lead Counsel

UST Litigation - This action, *Lynn, et al v. Amoco, et al*, is the national Class Action pending in the United States District Court for the Middle District of Alabama, Northern Division against five (5) major oil companies. This action is currently pending.

Wesley v. Colonial - Co-Lead Counsel

Wesley v. Colonial - This national class action was pending in the United States District Court for the Middle District of Alabama, Northern Division. This case is settled for all property owners in thirteen (13) states which the Colonial Pipeline traverses. The settlements involved approximately \$500 Million to be spent over 10 years in improvements to the pipeline nationwide.

HCA National Class Action - Co-Lead Counsel

HCA National Class Action - This action was pending in the United States District Court for the Middle District of Tennessee, Nashville Division. This case involves health care fraud and has recently been settled.

Washington v. Smith-Kline - Co-Lead Counsel

Washington v. Smith-Kline - This national class action was pending in the United States District Court for the Northern District of Alabama, Western Division and then transferred to an MDL action in Connecticut. These cases have now settled on a national basis with millions of dollars returned to patients and healthcare funds that were overbilled for lab tests.

City of San Juan vs. CP&L - Co-Lead Class Counsel

City of San Juan vs. CP&L - Co-Lead counsel in the City of San Juan vs. CP&L class action pending in State District Court in Hidalgo County, Texas. This is a class action on behalf of approximately 200 cities in South Texas against a utility company for failure to pay franchise fee taxes. This case was certified as a litigation class and then settled.

In re Hyundai - Co-Lead Counsel

In re Hyundai - This is a consumer class involving approximately 2 Million automobile owners whose horsepower was misrepresented over a period of ten years. This case involves 17 state class actions. Counsel herein was successful in reversing the Court's preliminary approval of the initial class settlement and was then appointed as co-lead counsel in the case to represent the class.

King v City of Austin, Texas - Co-Lead Counsel

King v City of Austin, Texas - This class was certified as a litigation class for 900 police officers for back pay owed to them and a Summary Judgment was entered on both liability and damages. The Court recently heard the attorney's fee application and is pending in Austin, Texas.

In re: Mass Mutual - Co-Lead Counsel of Objector Group

In re: Mass Mutual - This class was attempted to be settled for no compensation to the class and \$10 Million in attorney's fees to class counsel. After objections, the case settled for more than \$180 Million in cash to the class. It was recently argued on appeal to the New Mexico Court of Appeals in Santa Fe, New Mexico.

In re Blockbuster - Expert regarding Attorney's Fees

Counsel herein recently served as an expert on attorney's fees in the settlement of *In re Blockbuster* in Jefferson County, Texas, which was a consolidation of other actions from around the country. The attorney's fees of \$9 Million were recently approved by the trial court and upheld on appeal.

As part of my experience in handling class actions, I stay abreast of class action law in both the State of Texas, Federal Courts, as well as several other states. I am very familiar with the *Manual for Complex Litigation* and am co-counsel on other class actions which are too numerous to list and are currently pending.