



Protecting What's Right

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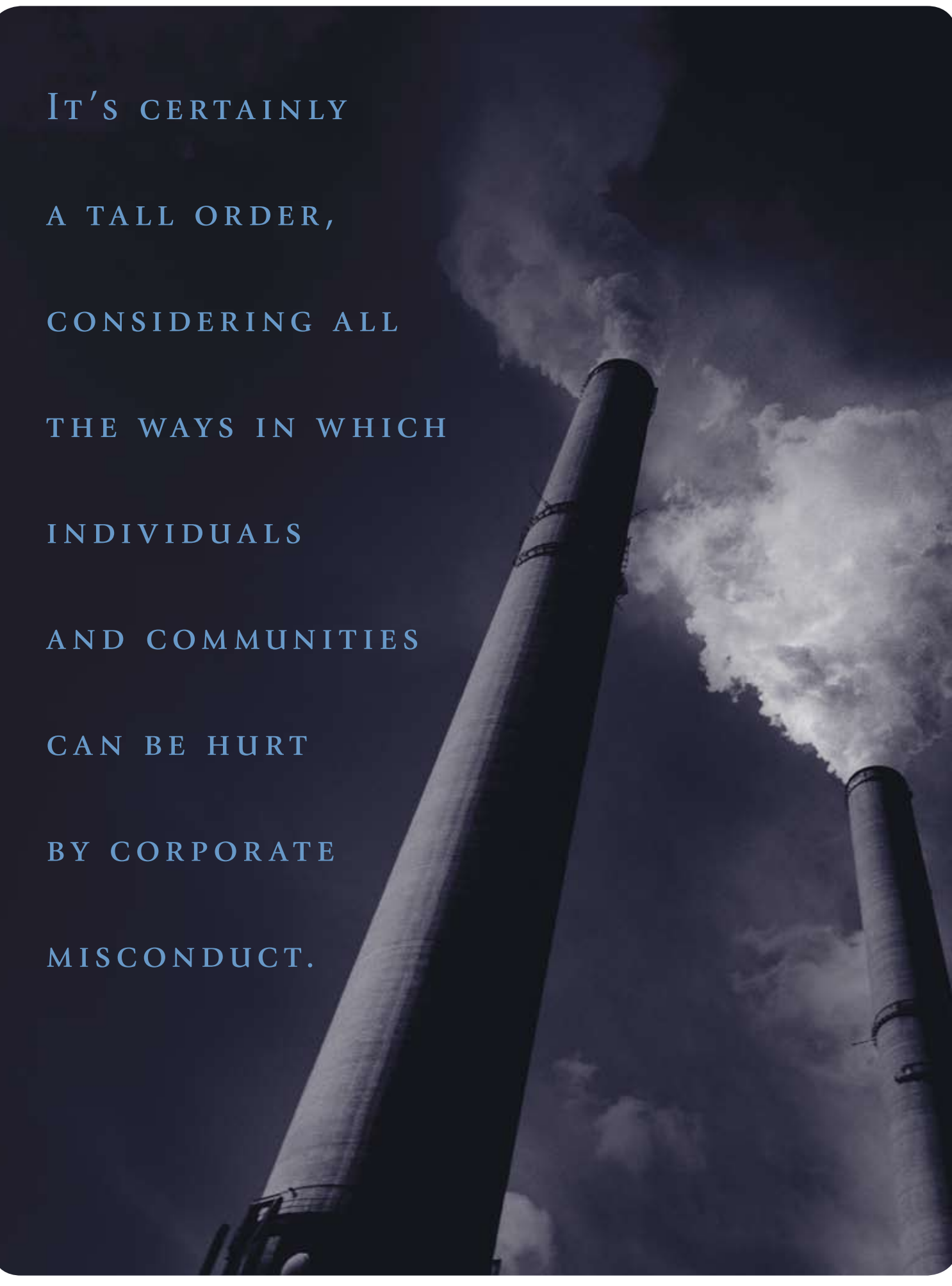
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Baron &
Budd, P.C.



IT'S CERTAINLY
A TALL ORDER,
CONSIDERING ALL
THE WAYS IN WHICH
INDIVIDUALS
AND COMMUNITIES
CAN BE HURT
BY CORPORATE
MISCONDUCT.

IT MEANS

PROTECTING THE WORKPLACE, SO THAT AMERICANS CAN EARN
A DECENT LIVING WITHOUT EXPOSURE TO OCCUPATIONAL INJURY.

PROTECTING OUR ROADS, SO IT'S SAFE FOR FAMILIES TO TRAVEL
ALONGSIDE COMMERCIAL TRANSPORTATION.

IT MEANS PROTECTING OUR HOMES AND COMMUNITIES FROM
MANUFACTURED AND ENVIRONMENTAL HAZARDS.

PROTECTING OUR PROPERTY, RETIREMENT AND PUBLIC FUNDS
FROM FRAUD.

IT EVEN MEANS PROTECTING SOMETHING AS FUNDAMENTAL AS
OUR WATER SUPPLY — SO ESSENTIAL TO ALL OF US, ONE WONDERS
HOW IT COULD EVEN BE AN ISSUE.

PROTECTING WHAT'S RIGHT® IS A BIG JOB — A JOB THE ATTORNEYS
OF BARON & BUDD ARE DOING EVERY DAY.

FROM ITS FOUNDING IN 1977, BARON & BUDD HAS CHAMPIONED
WORKERS' RIGHTS, FIGHTING SOME OF THE LARGEST CORPORATIONS
IN THE COUNTRY AND WINNING COMPENSATION FOR
THOUSANDS INJURED BY EXPOSURE TO TOXIC SUBSTANCES.

PROTECTING OUR WORKPLACES

From the start, Baron & Budd has been a catalyst, bringing to light information hidden by the asbestos industry.



Diseases caused by toxic exposures in the workplace may take many years to show up. So it is especially reprehensible that for decades manufacturers of asbestos-ridden products hid the risks of their products from the public and even from the government. Workers are paying the price, and we are still seeing the real harm that was done.

ASBESTOS

In the 1970s, when few people had heard of asbestos, Baron & Budd was founded to protect the rights of people suffering from diseases caused by asbestos and other toxic substances. Long considered a trailblazer, Baron & Budd is credited for handling some of the very first asbestos cases ever filed and for being a catalyst in bringing to light some of the disturbing facts that the asbestos industry hid from the public for decades.

It was on this foundation that Baron & Budd developed a reputation early-on as a leader in asbestos litigation, a reputation that the firm holds to this day.

Over the years we have represented thousands of Americans with asbestos-related diseases such as mesothelioma, and through this work we have amassed an expansive collection of documents and data about companies that made and distributed asbestos products and where those products were used.

Our decades spent representing a vast and diverse array of clients injured by asbestos, together with Baron & Budd's track record, reputation, and resources, enable us to seek optimal results for our clients with confidence, experience and compassion.

THE ASBESTOS INDUSTRY WORKED FOR DECADES

TO HIDE THE DANGERS OF ITS PRODUCTS.

TODAY, MANY COMPANIES WORK TO AVOID

LIABILITY FOR THE HARM THEY CAUSED

TO GENERATIONS OF AMERICAN WORKERS.

OBTAINING JUSTICE AGAINST THESE COMPANIES

REQUIRES EXPERIENCE, KNOWLEDGE AND

RESOURCES AS WELL AS A DEEP COMMITMENT

TO PEOPLE STRICKEN BY ASBESTOS.

PROTECTING OUR WORKPLACES

THE REAL STORY OF ASBESTOS IN THE UNITED STATES

Some of the largest corporations in the country are responsible for the epidemic of asbestos-related disease and deaths. To fight these corporations successfully requires a law firm with ample resources, experience and strength. The truth about what these companies knew finally came out because of the work of Baron & Budd and other tenacious trial lawyers.

More than a hundred years ago, asbestos was recognized as a cause of death and disease among workers. In 1898, British factory inspectors recognized that asbestos exposure was a health risk for workers. The U.S. Bureau of Labor Statistics reported in 1918 an “unusually high death rate” among asbestos workers. And in the 1920s, scientists were paying increased attention to asbestosis, the disease named for the mineral that causes it. In 1930, two scientists, Drs. Merewether and Price, published a historic report on the asbestos textile industry and found a “definite occupational risk among asbestos workers as a class.”

In the 1930s, scientists began to connect asbestos and cancer. Lung cancer was identified as an occupational disease of asbestos workers in 1938. And by 1945, it was accepted by medical and scientific communities

around the globe that asbestos is a carcinogen. The link between asbestos and mesothelioma, a devastating and aggressive asbestos-related cancer, was reported in 1960. Finally, in 1964, Dr. Irving Selikoff presented a now famous study of insulators at a well-attended and widely publicized conference in New York City.

Although asbestos manufacturers knew a good deal about the risk of asbestos exposure, they tried very hard to keep that information private. Some companies paid for scientific research but claimed ownership of it to prevent its publication. Some companies “requested” that any information on the hazards be kept confidential and not published. Other companies decided to take what one called an “ostrich-like attitude”—choosing to bury their heads in the sand and ignore the risks their products could pose.

In the meantime, millions of people in the United States alone have been exposed, and a reported 10,000 Americans die each year from asbestos-related diseases like mesothelioma and asbestosis. Baron & Budd has helped thousands of those victims seek justice, compensation and security for their families.



PROTECTING OUR WORKPLACES

ALL THE WAY TO THE U.S. SUPREME COURT

Many people mistakenly believe that asbestos cases are class action lawsuits. They are not, largely because Baron & Budd fought a class action settlement of all asbestos injuries, past and future, all the way to the U.S. Supreme Court.

When asbestos companies realized that they could not escape responsibility for the asbestos tragedy by pretending not to have known the harm they were causing, a group of companies tried instead to limit the amount they would have to pay to their victims by creating a class action “settlement” that would control the amount of money paid to all present and future asbestos victims. In other words, the companies wanted to use a class action settlement to decide how much they would owe to people who had not yet been diagnosed with any illness and so didn’t know they had a stake in the case.

Baron & Budd teamed with a group of experts and committed advocates to fight these unfair class action settlements, ultimately convincing the United States Supreme Court that it was unconstitutional to limit the rights of individual asbestos victims to seek individual compensation for the harm they suffered. In two cases, *Amchem Products v. Windsor* and *Ortiz v. Fibreboard Corp.*, the Supreme Court held the settlements were illegal and

Among plaintiffs’ law firms, Baron & Budd is a respected leader, possessing both the resources and perseverance to fight protracted legal battles of this scope and duration.

improper because they violated due process under the United States Constitution.

Baron & Budd’s efforts helped prevent powerful business interests from manipulating class action procedures to limit the rights of the people they harm.

THE CONSTITUTION GUARANTEES EVERY AMERICAN DUE PROCESS, BUT OBTAINING A FAIR HEARING UNDER THE LAW MAY REQUIRE A PLAINTIFF TO APPEAL TO THE HIGHEST COURT IN THE LAND. IT CAN BE AN ARDUOUS JOURNEY, DEMANDING PROFOUND INVESTMENT OF TIME AND MONEY. ONLY BY PERSEVERING IN OUR LEGAL BATTLES CAN WE ENSURE OUR CONSTITUTIONAL RIGHTS ARE PROTECTED.

TOXIC CHEMICALS

Baron & Budd has spent decades tackling the legacy of toxic exposures in the workplace.



Many American workers face dangerous conditions in the workplace every day. Some of the hazards are accidents or traumatic injuries, but the more insidious risk is exposure to toxic chemicals. Chronic exposure to toxic chemicals, either through inhalation, ingestion or dermal exposure, can cause a variety of serious health problems, including certain types of cancer. But because it may take decades for illness to develop and be diagnosed, the connection to occupational exposures may be overlooked.

Companies—whether manufacturers, employers or property owners—are often tempted to put profits ahead of worker safety. Because it takes so long for the effects of toxic exposures to appear, company executives may take unnecessary risks with workplace toxins if they believe that they will never be forced to deal with the consequences when workers suffer. Consequently, workers might not be given adequate warnings about the potential dangers or the information or equipment they need to protect themselves from harm.

Baron & Budd fights for workers and families devastated by the effects of toxic exposures. Through our work, we also strive to make companies take into account the human costs of their decisions—today and in the future.

EDC PIPELINE LEAK

Ethylene dichloride (EDC) is recognized as a probable human carcinogen. Exposure can also cause serious, permanent damage to the central nervous system and vital organs and often results in depression, memory loss and adverse personality changes.

Lake Charles, Louisiana was the site of one of the largest chemical spills in U.S. history in 1993 when a pipeline carrying EDC leaked millions of pounds of this dangerous chemical into the nearby water and soil. To clean up the site and replace the pipeline, operators sent untrained, ill-equipped workers with no warning of what they faced.

Baron & Budd successfully represented more than 850 of these individuals, obtaining compensation to assist them in dealing with the painful and life-threatening health problems they suffered.

COSTA RICAN BANANA WORKERS

In *Alfaro v. Dow Chemical*, Baron & Budd extended our advocacy for workers beyond our country’s borders. On behalf of young Costa Rican banana plantation workers, we brought suit against the developers of DBCP, a pesticide used to sterilize worms that cause damage to banana trees. Unfortunately, the manufacturers knew that DBCP also caused permanent sterility in the workers who labored in the plantations.

Baron & Budd filed suit against these U.S. companies in Houston, Texas, world headquarters of Dow Chemical. The chemical companies claimed that it was too inconvenient for them to defend their actions here at home. They claimed the case could only be brought in Costa Rica—where they knew the workers would never be compensated for their injuries.

Baron & Budd argued that many of the corporate decisions regarding the manufacturing, testing and sale of DBCP took place in Houston. After years of litigation, the Texas Supreme Court held that Houston, Texas was an appropriate forum for the case, paving the way for compensation for the injured workers and forcing the chemical companies to deal with the harm they caused thousands of miles away.

PROTECTING OUR COMMUNITIES

Baron & Budd fights to protect America's children and families from toxic substances in our homes and neighborhoods.



Because their bodies are still developing, children are the most vulnerable to carcinogens and other toxic exposures. But unfortunately, too often they are needlessly exposed to dangerous substances. And because we spend so much time in our homes and neighborhoods, the exposures we have there can have a significant impact on our health.



IN 2008, BARON & BUDD HELPED NEGOTIATE AN AGREEMENT TO MAKE CALIFORNIA SCHOOL BUSES RUN CLEANER, IMPROVING AIR QUALITY AND REDUCING CHILDREN'S EXPOSURE TO DIESEL EXHAUST.

The person in this photo is not a client.

AIR POLLUTION

Representing three California environmental justice organizations, Baron & Budd negotiated an agreement with the country's largest school bus operator to drastically reduce children's exposure to diesel exhaust.

Under this agreement, the bus operator will replace old California school buses with newer, cleaner school buses and will fit older buses in the state with air pollution control devices to reduce diesel particulate matter in bus exhaust.

With this investment and upgrades, Laidlaw buses in California will meet the most stringent air pollution standards in the country.

Various state, federal and international agencies agree that diesel exhaust is potentially dangerous and should be avoided. California limits exposure to diesel exhaust on school buses through an "anti-idling law" that minimizes the amount of time children are exposed to it. However, the agreement we negotiated goes further by reducing the amount of diesel exhaust that the buses generate.

The lawsuit was brought under California Proposition 65, which requires that people be warned if they are likely to be exposed to certain types of hazardous substances and authorizes private civil lawsuits to enforce the law.

IN A 21-YEAR LEGAL BATTLE THAT ENDED
IN 2006, BARON & BUDD HELPED OBTAIN
COMPENSATION FOR MORE THAN 1,600
INDIVIDUALS HARMED BY CONTAMINATED
DRINKING WATER. IT IS WIDELY
CONSIDERED TO BE AMONG THE MOST
IMPORTANT WATER-POLLUTION-RELATED
PERSONAL INJURY CASES IN U.S. HISTORY.

WATER POLLUTION

Tucson, Arizona is the largest city in the U.S. that receives all of its drinking water from underground sources. Baron & Budd filed suit against an aircraft manufacturer, the City of Tucson and Tucson Airport Authority on behalf of more than 1,600 Tucson-area residents harmed by contaminated drinking water. Industrial solvents used at the airport and aircraft company were spilled on the ground and seeped through the sandy soil into the groundwater. Scientific and medical experts hired by Baron & Budd discovered that several unusual forms of cancer and other diseases were at almost epidemic levels, particularly among children in the area.

In addition to obtaining compensation for these individuals to help them deal with the consequences of their injuries, Baron & Budd's work on this case helped define Arizona law on pollution coverage issues.

The public interest legal organization Public Justice presented the Baron & Budd legal team with its "Trial Lawyer of the Year Award" in 2006 for their work in this case. The award recognizes the trial attorney or attorneys who have made the greatest contribution to the public interest each year by trying or settling a precedent-setting case or cases.



LEAD POISONING

Lead, sometimes found in industrial air and soil pollution, is a powerful neurotoxin that can permanently damage a child's developing mind. Baron & Budd has successfully obtained compensation for injured children and protected future generations of children from two different communities.

WEST DALLAS LEAD SMELTER

One of Dallas' largest public housing projects sat in a low-income neighborhood directly across the street from a secondary lead smelter. For many years, emissions from the factory smokestacks blanketed the surrounding community in lead-bearing soot.

Baron & Budd's efforts closed down a lead smelter that was poisoning a community's children.

Baron & Budd represented more than two hundred families in a lawsuit that eventually closed the lead smelter and paid sizable confidential settlements to court-supervised trusts for 445 children affected by lead poisoning. Although the neurological damage to these children was irreversible, the funds recovered in the settlement have enabled the children to move into adulthood with medical, rehabilitative and vocational assistance.

Closing the lead smelter and requiring the company to fund a community soil cleanup project also prevented future damage to other neighborhood children.

MINERVA, TEXAS OIL REFINERY SITE

Baron & Budd represented 137 people from a small town in Central Texas who were exposed to high levels of lead and other toxic substances when they played as children on the site of an abandoned oil refinery. Lead and carcinogenic material at the site were found at levels several hundred times higher than those considered safe by the EPA, and individuals who played at the site as children showed decreased IQ, neurological impairments and learning disabilities. Baron & Budd obtained a confidential settlement for these individuals to assist with their rehabilitative, psychological and other medical expenses.

PROTECTING OUR WATER SUPPLY

If the companies polluting our water are not held accountable, water providers could be crippled by the cost of cleanup.



Water is our most precious and essential natural resource. But modern industry has put our water at risk. Water pollution from a wide range of contaminants —petroleum chemicals like MTBE and BTEX, industrial solvents like TCE, TCP and PCE, agricultural fertilizers, toxic herbicides and pesticides such as atrazine—put our water quality at risk and threaten to make our water undrinkable in some places. Baron & Budd has stepped forward to protect the quality and safety of our water supply.

BARON & BUDD NEGOTIATED A HISTORIC

NATIONAL MTBE SETTLEMENT TO

FUND MTBE CLEANUP OF PUBLIC DRINKING

WATER ACROSS THE COUNTRY.

MTBE (METHYL TERTIARY BUTYL ETHER)

Even at extremely low levels, MTBE can give water the strong taste and odor of turpentine, making it undrinkable. The EPA recognizes the gasoline additive as an animal carcinogen with potential risks to humans. However, knowledge about the health risks of MTBE is limited because oil companies, despite their awareness that MTBE would ultimately find its way into drinking water, never adequately tested its effects.

First added to gasoline in 1979 to replace lead and help fuel burn more completely, within two years MTBE was being detected in drinking water supplies.

Oil companies knew by the mid 1980s that MTBE would leak from underground storage tanks and contaminate nearby drinking water, but they ramped up production of MTBE and denied to the government that it would cause any environmental problems. MTBE became one of the nation's most highly produced chemicals and caused widespread water contamination in communities across the country. MTBE is not the only substance that can leak from underground storage tanks, but it is particularly problematic because it seeks out and binds to groundwater, making it expensive and difficult to remove.

MTBE (METHYL TERTIARY BUTYL ETHER)

THE NATIONAL SETTLEMENT

Baron & Budd represents more than 150 public water providers from 17 states in an ongoing effort to secure funds to clean up and protect public drinking water supplies. Those cases, filed in various courts around the country, were transferred to a federal court in New York, where Baron & Budd attorneys deposed experts and oil industry executives, sifted through thousands of documents and argued a variety of complex legal issues so they would be able to show that the oil refiners were responsible for the MTBE contamination so many communities are facing.

The bulk of the country's oil refiners agreed to pay a very substantial settlement and also provide a 30-year guarantee to clean up any MTBE contamination found in the future.

Without the ability to hold the oil companies accountable in court for the MTBE pollution in their groundwater, these water providers would be crippled by the financial costs of cleaning up the water supply and, in most cases, simply could not do the cleanup on their own. But just a few years ago, the oil companies

nearly convinced Congress to let them off the hook. Twice, in 2003 and 2005, the oil companies sought immunity from Congress to avoid paying to clean up the MTBE mess. The amendment was called the "Safe Harbor" Provision in the Energy Bill. Of course, it was anything but safe for America's drinking water.

CITY OF SANTA MONICA

Long before the national MTBE settlement was being negotiated, Baron & Budd was already helping communities struggling to deal with serious MTBE contamination. Baron & Budd represented the City of Santa Monica in a landmark MTBE contamination settlement with the major oil companies. MTBE contamination in five of Santa Monica's eleven wells forced the city to begin importing water in 1996 for \$3 million per year.

The oil companies agreed to fund a water treatment system to clean MTBE from the city's water supply. The settlement also allowed the city to continue buying water until its water supply is clean and to monitor groundwater quality during and after the cleanup.

LEAKING UNDERGROUND STORAGE TANKS

Gasoline and other petroleum products are stored underground in tanks at service stations. It has been widely known in the oil industry that underground storage tanks (USTs) routinely leak. Even a very small leak can, over time, release large volumes of gasoline into the environment. Gasoline contains a number of hazardous chemicals that can contaminate air, soil, and groundwater. Such contamination is typical near service stations, bulk storage facilities and pipelines. Considering that there are more than 100,000 gasoline stations in the United States, the potential for soil and water contamination is huge.

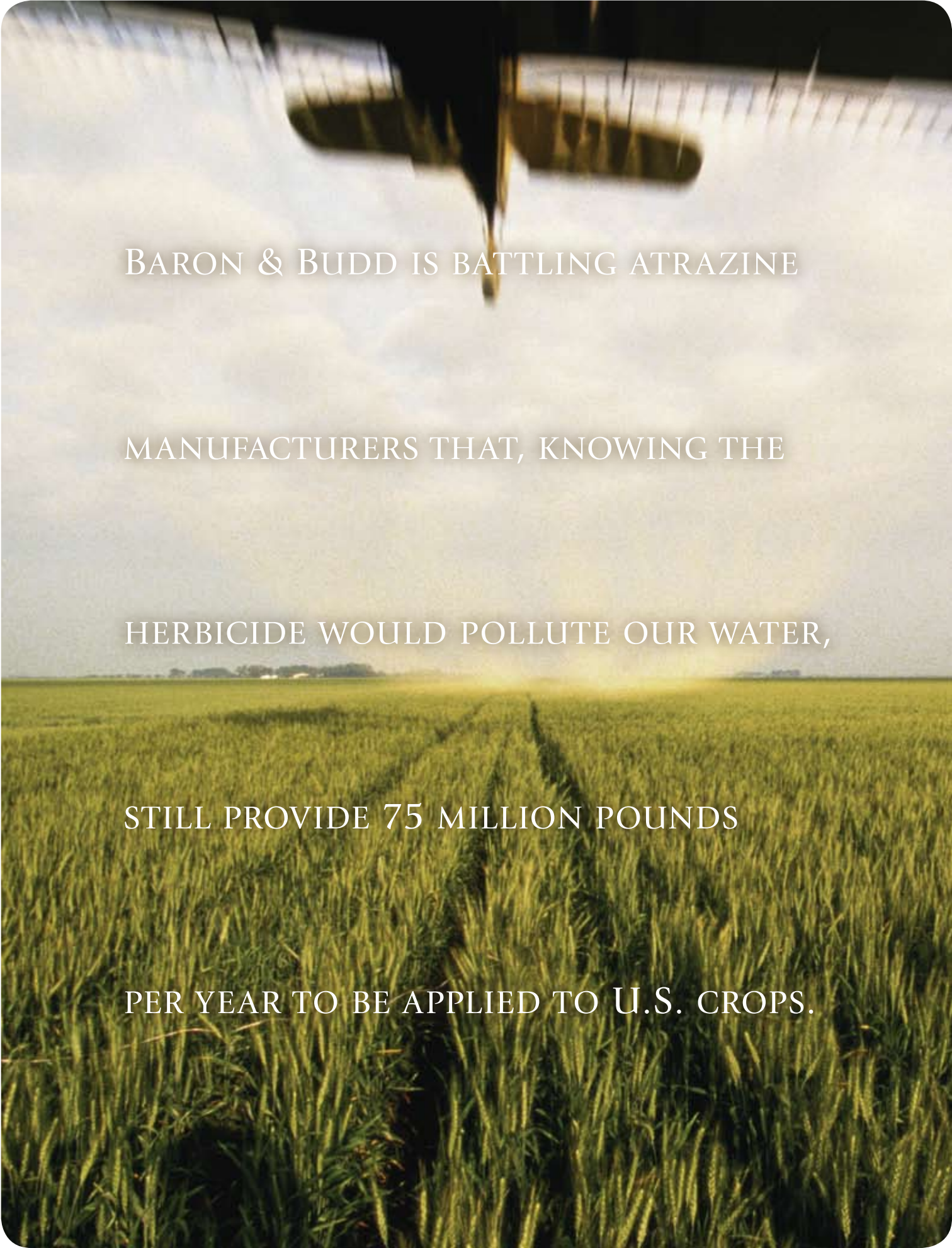
Modern technology has made some improvements in tank security. Double walls and new seals can decrease the likelihood of leaks and improved monitoring can detect seepage before large releases occur. But thousands of USTs in the United States have not been replaced or have already created significant contamination.

CALIFORNIA PROP 65 CLEANUP

The problem of leaking underground storage tanks must be faced if we are to protect the quality of our water. In 2004, more than 1,000 underground storage tanks were known to be leaking in California alone—a serious threat in a state that struggles with adequate water supply.

Representing the California environmental group, Communities for a Better Environment, Baron & Budd negotiated multiple agreements in 2004 by which several major oil companies agreed to clean up current groundwater contamination in California, upgrade stations to prevent future leaks and improve leak detection and prevention systems to protect the quality of California drinking water.





BARON & BUDD IS BATTLING ATRAZINE

MANUFACTURERS THAT, KNOWING THE

HERBICIDE WOULD POLLUTE OUR WATER,

STILL PROVIDE 75 MILLION POUNDS

PER YEAR TO BE APPLIED TO U.S. CROPS.

PROTECTING OUR WATER SUPPLY

ATRAZINE

Atrazine is one of the most commonly used agricultural herbicides in the United States. Approximately 75 million pounds of atrazine are applied to farms every year, predominantly for the control of broadleaf and grassy weeds in corn and soybean crops.

Its widespread agricultural use has caused pervasive atrazine contamination in the environment. When it is applied, some atrazine is absorbed by plants, but some runs off into surface water such as lakes, streams, and rivers. A small amount even migrates into groundwater where it may stay for a long time because atrazine breaks down very slowly. Once it reaches water, it can contaminate wells that supply water used for drinking and bathing.

Across the United States, 1,200 public drinking water systems are currently contaminated with atrazine, and that number is expected to grow as the product's use continues unchecked.

Only a tiny amount of atrazine in a water supply can cause a problem, and it's expensive and difficult to clean up. Removal of atrazine from water requires expensive

filtration, usually through GAC (granular activated charcoal) systems. Many public water providers are not equipped with GAC filtration, and many cannot afford to install these systems on affected drinking water wells.

Atrazine may also be associated with human health risks. Some studies have linked it with reproductive-system defects in animals.

The head of Baron & Budd's water contamination group is co-lead counsel in the first atrazine case of its kind in the United States, brought by a public water supplier in Illinois who filed suit in state court against the six major chemical manufacturers that produce atrazine. The chemical companies are fighting hard to avoid responsibility for the damage done by their product. In July 2008, however, the court refused the chemical companies' request to dismiss the case. The court determined that, if Baron & Budd proves the allegations against the chemical companies, those companies can be held liable for the damage atrazine is doing to the public water supply.



OTHER CONTAMINANTS OF CONCERN

Our water is at risk of contamination by a variety of industrial and agricultural chemicals that can cause environmental and health concerns. Lead and arsenic, naturally-occurring substances that can have toxic effects, have had widespread industrial uses that caused their release into the environment. Many other substances contaminating our water are man-made chemicals used in industrial applications. The gasoline components BTEX and industrial chemicals like PFOA, PCBs, TBA, vinyl chloride, VOCs and perchlorate (which are both naturally occurring and man-made) fit into this category, as does the pesticide DBCP. TCE, PCE and TCP are also man-made industrial chemicals that deserve special attention.

PCE (TETRACHLOROETHYLENE)

PCE, or tetrachloroethylene, is also known as perchloroethylene or “perc.” It is a man-made chemical used for degreasing metals and is commonly used in dry cleaning. It is also used to make other chemicals and is found in consumer products, including some paint and spot removers, water repellents, brake and wood cleaners, glues, and leather protectors. The Environmental Protection Agency considers PCE a “problematic pollutant” in cities.

PCE gets into the environment by evaporating from industrial or dry-cleaning operations and waste disposal sites. Groundwater near these areas may become contaminated if PCE is improperly dumped or leaks into the ground. If groundwater contains PCE, it can easily contaminate drinking water wells.

PCE has been linked with cancer in animals, and PCE exposure may endanger human health as well. It is not yet known how the human body is affected by drinking water with low levels of PCE.

TCE (TRICHLOROETHYLENE)

TCE, or trichloroethylene, is a chemical used mainly as a solvent to remove grease from metal parts. It is also used in some adhesives, paint removers, typewriter correction fluids, and spot removers. TCE is commonly found in the environment as a result of widespread use and disposal of the chemical. Once released, TCE may remain in soil or groundwater for years and can make its way into drinking water supplies. Some studies have linked TCE exposure with serious health risks.

TCP (1,2,3 TRICHLOROPROPANE)

TCP, or 1,2,3 trichloropropane, is used primarily to make other chemicals, but it is also used as an industrial solvent, paint and varnish remover and cleaning and degreasing agent. When it enters the environment, it moves into groundwater, where it can remain for a very long time. It may also contaminate drinking water wells.

Some studies have linked TCP with cancers and respiratory-system injuries in animals. TCP exposure may endanger human health as well.



PROTECTING OUR ROADS

On a daily basis, we face no greater risk than the simple and necessary act of traveling on America's public roads.



By fighting for people who have been injured or killed by defective automobile design, Baron & Budd can put pressure on the auto industry to make changes that will make all of us safer. Challenging the trucking industry's record of inadequate maintenance and poor policy decisions is also vital to protecting American families.



EVEN THOUGH CORRECTING FLAWS IN THEIR OWN PRODUCTS
COULD SAVE LIVES, MANY CAR MAKERS HAVE ONLY
RESPONDED TO PRESSURE. SO BARON & BUDD CHALLENGES THE
DESIGN DECISIONS THAT ARE COSTING LIVES EVERY DAY.

AUTOMOTIVE DEFECTS

In 1965, Ralph Nader shined a spotlight on the unnecessary danger of automobiles with his landmark book, *Unsafe at Any Speed: The Designed-In Dangers of the American Automobile*. At that time auto manufacturers did not include safety features, like seat belts, and did not deal with health issues, like pollution. But the public outcry resulting from Nader's book led to several key safety advances—seat belts being a prime example.

The job is far from done, however. More than 42,000 people die on America's roads every year, making traffic accidents the leading cause of death in 2005 for Americans under the age of 35. Unfortunately, the American public has been far too willing to accept these casualties as an inevitable cost of driving, when in fact many deaths could be prevented by eliminating the design defects in vehicles.

PROTECTING OUR ROADS

The problem of SUV rollovers, for example, shows that auto manufacturers are no more proactive in protecting public safety today than they were more than 40 years ago. More than 10,000 people are killed every year in roof crush accidents—many caused by defective design that places the center of gravity too high and increases the risk that the automobile will roll over.

Electronic stability control and increased roof strength, as well as other technological and design changes, can affect the likelihood of death in a rollover. The auto industry was too slow to make the changes on its own, and it has taken the actions of committed consumers and their attorneys to push automakers to consider changes that will keep us safer.

TRUCKING ACCIDENTS

Large carrier trucks, often called 18-wheelers, represent one of the significant dangers on our roads. Approximately 5,000 people are killed each year in accidents involving large trucks, and well over 80,000 more are injured each year in accidents involving these very heavy vehicles.

Because of their size and weight, any accident that involves a large truck is potentially very serious, especially to the occupants of any passenger cars involved. Like automobile collisions, equipment or design defects can sometimes cause or increase the harm done in accidents involving large trucks. Poor maintenance (leading to brake or tire failures) can contribute, as can overloading or improper cargo loading and weight distribution.

Again, these trucks are so heavy and create so much momentum at highway speeds that overloading or poor weight distribution in a load can impair a driver's ability to control or stop the truck.

One very real cause of large truck accidents is driver fatigue from spending long hours on the road. This may look like driver error, but in the trucking industry, policies and pressure put on the drivers can help create serious and dangerous driver fatigue.

Families deserve to feel safe when they travel alongside these enormous commercial vehicles. They need to know that the trucks are safely maintained, the drivers are healthy and alert and industry policies prioritize road safety. Baron & Budd is working to keep our roads safer for all of us.



WITH ITS OWN POLICIES CONTRIBUTING TO DRIVER FATIGUE AND DANGEROUS PRACTICES, THE TRUCKING INDUSTRY HAS SHOWN IT IS INCAPABLE OF POLICING ITSELF. AT THE SAME TIME, INEFFECTIVE REGULATION AND ENFORCEMENT PROVE THE GOVERNMENT IS UNABLE TO SOLVE THE PROBLEM ALONE. CIVIL LAWSUITS REMAIN OUR BEST HOPE OF IMPACTING TRUCKING SAFETY.



PROTECTING OUR PROPERTY AND PUBLIC FUNDS

When fraud drains our private investments and public funds, robbing taxpayer money, we all pay the price.



Baron & Budd has long been known for its advocacy on behalf of injured individuals, but the firm is also committed to fighting another type of harm that impacts all of us: the theft of our property and public funds through fraud. With the former head of the Texas Attorney General's Civil Medicaid Fraud Section now leading the law firm's Qui Tam section, Baron & Budd is ideally situated to protect Americans' public funds and private property lost to corporate misconduct.

IN 2007, AS A DEPUTY ATTORNEY GENERAL FOR THE STATE OF TEXAS, THE HEAD OF BARON & BUDD'S QUI TAM SECTION RECEIVED THE HONEST ABE INTEGRITY IN GOVERNMENT AWARD FROM THE ORGANIZATION TAXPAYERS AGAINST FRAUD, RECOGNIZING HIS SUCCESS IN USING A STATE FALSE CLAIMS ACT TO CURB FRAUD.

The person in this photo is not a client.

QUI TAM OR FALSE CLAIMS ACT CASES

False Claims Act cases (sometimes called Qui Tam or Whistleblower cases) provide a mechanism to recover funds that have been stolen from the government through fraud by corporations, such as pharmaceutical companies and hospitals, and individual wrongdoers, like doctors or dentists. Healthcare fraud has become a major strain on government funds, but fraud by defense contractors and other government vendors also drains public funds. The government may pursue these cases directly, or individual whistleblowers may pursue the case on behalf of the government and receive a portion of the recovery as an incentive for serving the public good. These cases play a vital role in allowing the

government to recover taxpayer money that is sorely needed for essential services.

A RESOURCE FOR GOVERNMENT ACTION

In some states and in the federal government, a dedicated group of attorneys pursues these cases on behalf of the government. Before joining Baron & Budd, the head of the firm's Qui Tam section was the leader of a ten-attorney team for the Texas Attorney General's Civil Medicaid Fraud Section. Because his team was remarkably successful in recovering money stolen from the Texas Medicaid program, he was called upon three times to testify before Congressional committees on

QUI TAM OR FALSE CLAIMS ACT CASES

Medicaid fraud issues, and his team became a model for states around the country. One of the primary innovations that allowed the Texas team to be so successful was the decision to partner meaningfully with private Qui Tam attorneys, allowing for superior preparation of the cases and accomplishing far greater recoveries for the government. Now the attorney who spearheaded the development of this public-private partnership is able to provide his knowledge and experience in partnership with state attorneys general around the country.

Some states do not have the resources to devote a team of attorneys to pursuing those who defraud the state. Baron & Budd is able to offer the same service that proved so successful for Texas to assist other states in fighting the fraud that has become a profound drain on public funds.

THE ROLE OF THE WHISTLEBLOWER

Qui Tam laws are designed to let a private citizen file a lawsuit and “blow the whistle” on fraud against the government. When the government doesn’t have the resources to find and fight fraud on its own, it relies on the efforts of whistleblowers, individuals who have information and the courage to go up against these companies. These laws have been around for centuries, since England was coming out of the Dark Ages. To

encourage people to come forward, Qui Tam laws (also called False Claims Acts) give the whistleblower a stake in the recovery. The individual receives a percentage of the money recovered in the lawsuit, with the majority of the money going to the government.

Whistleblowers are a vital part of fighting the fraud that costs taxpayers enormous sums that we simply cannot afford. And recognizing how much we as taxpayers need them to step up, the statute gives them a portion of the recovery. These individuals are doing something important for us all, and Baron & Budd is proud to stand with them, protecting what’s right.

TAX REVENUE FROM ONLINE TRAVEL COMPANIES

In 2004, Baron & Budd began litigation against the discount online travel service giant Hotels.com and other online travel companies to recover unpaid occupancy taxes owed to cities in California. For years, online travel companies have calculated occupancy taxes based on the discount price paid by the online company rather than the actual price charged to the occupant. These companies bill the occupant for a “tax recovery charge” and pocket the difference.

This practice has deprived communities of very substantial tax dollars, which Baron & Budd is seeking to recover. This money should be used for the public good—not to swell the profits of private corporations.

INSURANCE COVERAGE & BAD FAITH INSURANCE LITIGATION

Insurance is meant to provide security against financial devastation. When natural disaster strikes in the form of hurricane, tornado, wildfire or flood, the stakes are extremely high: people sometimes find themselves under so much pressure to rebuild and return to “normal” life that they may accept the first offer from their insurance company simply to settle their claims and move on.

Unfortunately, the reality is often disappointing. Insurance companies are often working hard to protect their own business interests rather than their customers’ assets.

Insurers know that if they contest claims, they may avoid paying on some and—at the very least—delay payments. And delaying payment on customers’ claims can actually make money for the insurance company,

even if it eventually has to pay. The insurer also has a strong incentive to undervalue claims. After all, every dollar less that a claimant accepts is an additional dollar in the insurer’s coffers.

When an insurance company fails in its commitment to a pay claims promptly and fairly, the assistance of a law firm with substantial resources and extensive experience in complex litigation is invaluable.

Insurance companies have been called “professional defenders of lawsuits,” and the consumer needs a team of professionals on his side to level the playing field: professionals who know how to go after the insurer and make the company keep its commitment.

Baron & Budd has the tenacity and experience to advocate for consumers against the insurance industry—those “professional defenders of lawsuits.”



SECURITIES & SHAREHOLDER LITIGATION

The relationship between the insurance company and the consumer is not an equal one. Under the law, insurers have a duty to handle claims promptly and fairly. This duty is meant to level the field and ensure fair treatment for consumers. But when an insurance company doesn't live up to this duty, the consumer needs an advocate to help reach a just result.

TUCSON, ARIZONA INSURANCE COVERAGE FOR POLLUTION CLAIMS

Insurance is meant to protect us in a variety of ways. A natural disaster such as a hurricane is certainly one of them. But insurance issues come up in man-made disasters as well. Baron & Budd spent a decade fighting insurance companies to obtain justice for a group of 1,600 Tucson residents injured by exposure to contaminated drinking water. In that case, described earlier, the residents sued the City of Tucson and the Tucson Airport Authority because solvents used at the local airport seeped through the ground and polluted the groundwater that supplied area wells.

These defendants could not pay the value of the claims themselves, so instead the injured plaintiffs settled their claims against the Tucson Airport Authority and the City of Tucson for the right to pursue the claim against the airport's and the city's insurance companies, which had denied coverage.

Baron & Budd battled the insurance companies over the meaning of phrases used in the insurance policies—exclusions that the insurers said barred the claim. Baron & Budd attorneys proved that the exclusions did not apply and that the policies covered the claims. The case helped define the law on commercial insurance coverage in Arizona, and resulted in significant recoveries for the injured residents.

The economic chaos of 2008 was a stark reminder that the free market system is subject to corrosive and destructive forces. After decades of resistance to oversight and lack of regulation of the mortgage and securities markets, it has become clear that the markets do not police themselves. Deregulation of the economic markets has put investors at serious risk to reckless and sometimes fraudulent conduct on Wall Street and elsewhere.

During the 2008 crisis former Fed chairman Alan Greenspan expressed dismay that the markets showed themselves so catastrophically unable to manage lending and trading practices responsibly. But previously, Mr. Greenspan also expressed concern that government regulators were no better equipped to impose discipline on Wall Street.

History has shown that relying solely on government regulators to protect consumer interests or safety is risky at best. Trial attorneys have stepped in when corporate responsibility and government regulation have failed, and their efforts are needed today in the financial sector as never before. As

we've seen in the context of asbestos, big tobacco and elsewhere, trial attorneys are able to uncover fraud and other wrongdoing that industry has kept hidden from regulators. The same skills are being put to work now to uncover the fraud and reckless conduct that has resulted in the current financial situation.

In a difficult economic environment, corporate executives are under tremendous pressure to maintain the house of cards built by their bad decisions. They are concerned about public scrutiny of their decisions and anxious to protect their own financial interests. These pressures make executives more likely than ever to fail in their duties to shareholders.

Investing has inherent risks, certainly. You should bear the risk of natural fluctuations in the market, but you should not be at risk to the consequences of corporate fraud. When shareholder loss is due to fraud, shareholders and investors are entitled to recoup

“Those of us who have looked to the self-interest of lending institutions to protect shareholders' equity, myself included, are in a state of shocked disbelief,” former Fed Chairman Alan Greenspan admitted to the House Committee on Oversight and Government Reform.



BARON & BUDD PROTECTED THE RIGHTS
OF SHAREHOLDERS TO A FAIR RETURN
ON THEIR INVESTMENT WHEN 7-ELEVEN, INC.
WAS TRANSFORMED FROM A PUBLIC TO A
PRIVATE COMPANY.

PROTECTING OUR PROPERTY AND PUBLIC FUNDS

those losses. Baron & Budd has the experience and determination to protect the rights of people and institutions whose portfolios have suffered from corporate misconduct.

SEMTECH CORP. BACKDATING OF STOCK OPTIONS

In May 2008, Baron & Budd was appointed co-lead counsel in *Middlesex County Retirement System v. Semtech Corp.*, in which the plaintiffs allege that Semtech manipulated grant dates for stock options to its directors, resulting in the understatement of Semtech's compensation expenses and overstatement of its reported income.

Semtech's own filings with the Securities and Exchange Commission reveal that the stock option backdating scheme resulted in a \$91 million over-

statement of Semtech's reported net income over a period of years and significantly misled shareholders about the financial condition of the company. Once the scheme came to light, Semtech's stock prices plummeted.

7-ELEVEN, INC. TRANSACTION

In late 2005, as co-lead counsel in *In re 7-Eleven, Inc. Shareholders Litigation*, Baron & Budd successfully negotiated a significant increase in the tender offer's price per share in a transaction to turn the convenience store from a publicly traded company into a privately held entity, substantially increasing the amount paid to 7-Eleven shareholders. The original tender offer would have paid shareholders less for their shares than their publicly traded value at that time.

*Corporate fraud threatens our investment
and retirement funds. It also depletes the funds
needed for essential public services.*



ABOUT BARON & BUDD, P.C.



THE ROLE OF A PLAINTIFFS' FIRM

We've all seen that corporations make decisions based on their own best interests—which they typically see as increased profits. They also have powerful lobbyists that are too often successful in blocking or weakening government efforts to protect workers, consumers and the environment from the negative effects of their decisions. Government agencies are often understaffed and sometimes lack adequate resources to fully protect American workers, families and our environment.

We must have a backstop to protect us from unfettered, powerful corporate interest. Plaintiffs' attorneys provide that much-needed protection.

Law firms such as Baron & Budd serve the public interest by pursuing cases that not only seek to right individual wrongs,

BARON & BUDD IS A PLAINTIFFS' FIRM.

MANY PEOPLE DON'T REALIZE THE

POWER AND IMPORTANCE OF THE WORK

DONE EVERY DAY BY PLAINTIFFS' FIRMS

ACROSS THIS COUNTRY.

THE ROLE OF A PLAINTIFFS' FIRM

but also address broader social issues. When companies are held accountable for the consequences of past decisions, they are more likely in the future to consider the cost of their choices to life, health and our environment—hopefully resulting in better protection for people and communities.

In addition to pushing companies to act more responsibly, plaintiffs' lawyers have also been able to bring attention to dangerous products or conditions—providing warnings to consumers that manufacturers failed to give. In some cases, lawsuits have prompted government investigations or additional medical research of hazardous substances.

Corporate interests understandably don't like being confronted and held liable for the harm they do. Making adept use of the media and their lobbyists, they have attempted to discredit and disable plaintiffs' lawyers through tort reform campaigns.

But the truth is, if companies protected the public from the foreseeable harms of their products, or if they protected the environment from industrial pollution that contaminates our water, air and soil—as the law already requires—there would be no need for plaintiffs' attorneys in the future.

The work of plaintiffs' firms like Baron & Budd is important to bringing corporate misconduct and fraud

to light and to keeping families safer in the future. And for those individuals who have already been injured, we are ready and able to fight for justice and compensation on their behalf.

Another way that plaintiffs' firms work for justice is by helping provide access to the courts for people who have been injured or wronged. For people who are feeling vulnerable and overwhelmed, finding a lawyer to help them—and one they can afford—seems like another monumental task.

Many plaintiffs' firms like Baron & Budd don't get paid for their legal services, however, unless their clients receive compensation. Instead, they receive a "contingency fee"—a percentage of the total recovery from settlements or a court judgment. Contingency fees are sometimes the only way many people who could not otherwise afford an attorney get the legal help they need and deserve.

Under a contingency fee contract, the plaintiffs' attorney files the case and pays all the costs associated with litigating the case, such as filing fees and expert witness fees. The plaintiffs' attorney accepts the risk that, in some cases, he will never be paid for his work.

Only if money is recovered in the lawsuit, Baron & Budd receives payment for the firm's services as a certain percentage of the amount recovered.

The firm would also be reimbursed the expenses of the litigation that they paid on behalf of the client out of the client's portion of the recovery. Depending on state law, if the client does not recover money through the

who has, without fault on his part, been injured and who, because of his injury, is unable to work, and has a large family to support, and has no money to engage a lawyer, would be at the mercy of the person who disabled him

"Any society, and especially a democratic one, worthy of respect in the spectrum of civilization, should never tolerate... victimization of the weak by the mighty."

– RICHETTE V. SOLOMON, 187 A.2D 910, 919 (PA. 1963)

lawsuit, the plaintiffs' attorney may even agree not to be reimbursed for the money spent on the case.

The contingency fee has a long and respected history in this country as a way to level the playing field between injured people and mammoth corporations. Judge Michael Musmanno of the Pennsylvania Supreme Court, who also served as a judge in the Nuremberg trials, wrote over 40 years ago about the importance of contingency fees in protecting the injured from the powerful and wealthy:

If it were not for contingent fees, indigent victims of tortious accidents would be subject to the unbridled, self-willed partisanship of their tortfeasors. The person

because, being in a superior economic position, the injuring person could force on his victim, desperately in need of money to keep the candle of life burning in himself and his dependent ones, a wholly unconscionably meager sum in settlement, or even refuse to pay him anything at all. Any society, and especially a democratic one, worthy of respect in the spectrum of civilization, should never tolerate such a victimization of the weak by the mighty.

– *Richette v. Solomon*, 187 A.2d 910, 919 (Pa. 1963)

Contingency fee agreements thus help keep the courthouse doors open to everyone who has been injured or wronged, regardless of their financial circumstances.

Baron & Budd has been fighting for justice for more than 30 years. We represent individuals, associations and government entities, making our resources, experience and reputation for excellence available to those who need and deserve it—regardless of their ability to pay.

RECOGNITION

Over the years, Baron & Budd and its lawyers have been recognized by some very prestigious groups and publications.

THE NATIONAL LAW JOURNAL'S PLAINTIFFS' HOT LIST (2002–2006, & 2008)

Baron & Budd has been named to *The National Law Journal's* "Hot List" of exemplary plaintiffs' firms in the United States virtually every year since the award's inception. *The National Law Journal's* "Hot List" identifies "firms in the United States that have done exemplary, cutting-edge work on the plaintiffs' side." Each year, *The National Law Journal* profiles approximately a dozen plaintiffs' firms that have had substantial victories and have litigated cases that help shape the law in significant ways.



THE LEGAL 500 (2007 & 2008)

Baron & Budd has been repeatedly selected by *The Legal 500* for its list which represents "a qualitative assessment of a country's finest legal practices." The directory describes mass tort firms as those who "have the gall to take on corporate America."

The Legal 500 describes its United States legal directory as "the guide to the pre-eminent firms in the world's strongest and most competitive legal market." According to its editors, *The Legal 500* uses independent researchers interviewing thousands of clients in 90 countries worldwide to select "the best of the best" and provides commentaries on its recommended

"Being part of The National Law Journal's Hot List is a real honor, and a reflection of both the importance of our firm's work and the caliber of our legal team."

– BARON & BUDD MANAGING SHAREHOLDER, RUSSELL BUDD

law firms based on feedback from clients, judges and other attorneys.

Based on this extensive research, *The Legal 500* selected Baron & Budd for their list that offers the "definitive judgement of law firm capabilities." The directory specifically noted the company's "strong water contamination practice" and continuing success in litigating serious asbestos cases.

LAWDRAGON 500 (2008)

Baron & Budd shareholder Scott Summy was selected by his peers for inclusion in *Lawdragon's* fourth annual list of the Lawdragon 500, identifying

"the nation's top lawyers" from every arena — private attorneys, government and public interest lawyers, in-house counsel, law professors and judges.

AMERICAN ASSOCIATION FOR JUSTICE'S WIEDEMANN WYSOCKI NATIONAL FINANCE COUNCIL AWARD (2007)

Baron & Budd's managing shareholder, Russell Budd, along with shareholder Burton LeBlanc, were among 14 attorneys nationwide to be honored with the prestigious Wiedemann Wysocki National Finance Council Award from the American Association for Justice. The award recognizes attorneys for their commitment to the legal profession and their efforts to improve the civil justice system.

BEST LAWYERS IN AMERICA (2007–2009)

Baron & Budd's Scott Summy has been selected by his peers for inclusion in the 2007–2009 editions of *The Best Lawyers in America*. The honor is based on 1.8 million confidential evaluations by attorneys around the country and telephone interviews with leading attorneys through the publication's balloting process.

TAXPAYERS AGAINST FRAUD'S "HONEST ABE" INTEGRITY IN GOVERNMENT AWARD (2007)

Shortly before joining Baron & Budd, Patrick O'Connell, then head of the Texas Attorney

General's Civil Medicaid Fraud Section, was awarded the "Honest Abe" Integrity in Government Award for Washington, D.C.-based Taxpayers Against Fraud. This recognition marked the first time the prestigious award was given to a state government lawyer.

PUBLIC JUSTICE'S TRIAL LAWYER OF THE YEAR AWARD (2006)

Baron & Budd attorneys received the prestigious Trial Lawyer of the Year award from Trial Lawyers for Public Justice for their combined work on two cases over 21 years involving over 1,600 plaintiffs injured by groundwater contamination in Tucson, Arizona.

CALIFORNIA LAWYER'S "ATTORNEYS OF THE YEAR" AWARD FOR ENVIRONMENTAL LAW (2001)

Before joining Baron & Budd, current shareholders Scott Summy and Celeste Evangelisti received the *California Lawyer* "Attorneys of the Year" Award for Environmental Law for their work on behalf of the California non-profit organization Communities for a Better Environment. The resolution of this precedent-setting case required the nation's major oil companies to clean up more than 1,000 sites contaminated by the gasoline additive MTBE.

For more information on the accomplishments of the firm and our attorneys, please visit the firm's website at www.baronandbudd.com.

OFFICES

With over 50 attorneys and 200 staff, Baron & Budd is positioned to serve clients throughout the country.



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BARON  BUDD, P.C.SM

"I have been truly blessed by what you did for me."

- Baron & Budd client