

**EXHIBIT 2**

## Curriculum Vitae Robert S. Arns

### LEGAL CAREER

- Since 1975 has only represented plaintiffs in class actions and injury and death cases throughout the country as an attorney in San Francisco
- Resolved over 350 million and multi-million dollar cases by trial and settlement
- Founded The Arns Law Firm in San Francisco in December 1996
- San Francisco Trial Lawyer of the Year 2004 for San Francisco, finalist in 2001 and 2003
- Finalist for CAOC (Consumer Attorneys of California) Trial Lawyer of the Year 2002, 2003 and 2004 this award started in 2002, CAOC is the largest plaintiffs' trial bar of any state
- Professor of Law at the University of San Francisco School of Law teaching trial practice to 3<sup>rd</sup> year law students.
  - Professor of the Year 2010
- University of San Francisco School of Law Alumni of the Year 2009
- 2005 Selected by the State Bar of California to present the inaugural "Superstars of Trial" presentation to practicing (only one plaintiff lawyer and one defense lawyer chosen to present program)
- Through peer review elected one of the "Top 100" Super Lawyers in Northern California-- this includes lawyers practicing in all specialties
- Included in *The Best Lawyers in America* © which is regarded as the definitive guide to legal excellence in the United States
- Author of The Rutter Group legal treatises *The California Evidence Wheel*©, *The California Trial Wheel*© *The Federal Evidence Wheel*©, and *The Federal Trial Wheel*© published by West/Thompson Reuters.
- Presenter of ABOTA Masters of Trial on numerous occasions in different venues in California including in 2011-- This Masters of Trial is billed as the best of the best lawyers
- AV Rating Martindale-Hubbell -- means highest ability and highest ethics

### EDUCATION

- 1971 Graduated with Highest Honors from U.C. Santa Barbara with BA in English Literature
- 1975 Graduated *Cum Laude* (top 10% of class) from University of San Francisco Law School, Managing Editor of the Law Review, Moot Court Champion

### PERSONAL

Date of Birth: March 25, 1949 Portland, Oregon  
Marital Status: Married Anne Marie Arns on 6/24/72, Married 39 years  
Offspring: Christopher age 33 Allison age 30

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Grandchildren: Three girls and a boy

### LEGAL SPECIALTY

- Class actions involving plaintiff consumer issues and wage and hour cases
- Serious injury and death cases arising out of
  - (1) construction project incidents
  - (2) product failures
  - (3) railroad and Jones Act incidents
  - (4) other tort cases resulting in serious injury and/or death
  - (5) medical appliance failures
- Mass torts
- Unfair business practice and unfair competition cases

### MEMBERSHIPS

- American Board of Trial Advocates
  - Chosen to participate in numerous Masters in Trial Presentation, billed as the "best of the best" trial lawyers
- Consumer Attorneys of California, Executive Committee, Former Board of Governors
- San Francisco Trial Lawyers, Board of Directors

### MISC. CAREER HIGHLIGHTS

- Professor of Law, University of San Francisco teaching Trial Practice to 3<sup>rd</sup> year law students
    - Professor of the Year 2010
    - Alumni of the Year 2009
  - 2004 Requested by State Bar of California to present their "Stars of Trial" Lecture Series (one plaintiff lawyer, one defense lawyer, one judge)
  - Trial of *England v. Swinerton* in San Francisco resulted in a verdict of \$21,000,000. Jason England was a 30 year old construction worker who was rendered a paraplegic when he fell 12 feet on a job site while spreading metal decking. The incident was caused by defendants leaving an obstruction which made it unsafe to spread deck. This is one of the four highest paraplegic verdicts in California. (Offer before trial \$2,500,000.)
  - Resolution of Numerous Class Action/ Complex Cases involving consumer issues including
    - Violation of Regulation Z Banking Cases
    - Wage and Hour Cases
    - Legal Document Assistant Cases (Including Legal Zoom and We The People)
    - Skilled Nursing Staffing Cases
    - Institutional Investment Cases
  - Trial of *Gorewitz v. Toyota* in Alameda County resulted in a net verdict and judgment of \$11,100,000.00. Decedent, a 39 year old truck driver, was killed while commuting to work when defendant Toyota Transport big rig carrying auto parts to the NUMMI
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- plant in Fremont. This is the highest verdict for a wrongful death case in the history of California. (Offer before trial \$1,500,000.)
- Trial of the *Minert v. UCI Construction* in Contra Costa county resulted in a verdict of \$6,480,000.00. Plaintiff, a construction worker was fell and struck his head with resulting brain damage. This was the highest personal injury verdict ever awarded in Contra Costa County. (Offer before trial \$0.)
  - Settlement of *Ranft v. State of California* for \$14,000,000 for highway defect case
  - Trial of *Vargas v. Carmel Development* in Santa Clara County resulted in a Verdict of \$10,500,000, one of the 3 largest verdicts for a paraplegic in Santa Clara County. Plaintiff, a construction worker was rendered a paraplegic when he fell into a trench due to defendant's failure to provide guard rails around the trench. (Offer before trial \$2,500,000.)
  - Trial of *Confidential Case* in Stanislaus county resulting in a verdict of \$7,500,000.00 and immediate confidential settlement. Plaintiff, a construction worker injured his foot when he was caused to fall because a ladder was not tied off by defendants. This is one of 2nd largest personal injury verdicts recorded in Stanislaus County (This case was settled with an agreement that the verdict would remain confidential.) (Offer before trial \$150,000.)
  - Trial of *Barnes v. Capp* in Santa Clara County resulting in a \$2,100,000.00 in a wrongful death case for the parents of an 18 year old boy who was killed in a automobile incident. This is the largest verdict for a wrongful death case for the parents of a deceased minor in Santa Clara County. (Offer before trial \$750,000.)
  - Trial of *Molloy v. Anderson Liftkin* in San Joaquin County resulting in a \$1,750,000.00 verdict. Plaintiff was injured when a crane operator did not follow a signal resulting in a fractured leg. This is the largest verdict for a leg injury in San Joaquin County. (Offer before trial \$700,000.)
  - Trial of *Patterson v. RMC* in Fresno County resulting in a verdict of \$2,100,000.00. Plaintiff, a 21 year old conveyor belt salesman, injured his back when a cat walk at an aggregate plant gave way and he fell 20 feet. This is the largest verdict in Fresno County for a back injury. (Offer before trial \$1,500,000.)
  - Trial of *Stigrid v. Bear High Reach* in San Francisco County resulting in a \$1,050,000.00 verdict. Plaintiff, a construction worker, was injured when an aerial lift, which had just been repaired by defendant, did not stop, causing him to suffer a neck injury. (Offer before trial \$10,000.)
  - Trial of *Beccera v. Jonce Thomas Construction* in San Francisco which resulted in a net verdict and judgment of \$1,100,000. Plaintiff was a construction worker who was caused to fall through an inadequately covered hole. The case was tried by Morgan Smith and Jonathan Davis of the Arns Law Firm with Bob Arns participating. (Offer before trial was \$25,000.)
  - \$7,300,000 settlement of confidential case against package delivery company for death of a 66 year old husband
  - Settlement of *Silveria v. Chico Unified School District* for \$11,000,000 in Butte County. Plaintiff was a senior in high school and was running laps in a PE class. He passed out and although the three PE teachers were within 50 feet none instituted
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- CPR. PE teachers are required to be certified in CPR and have a duty to give CPR if a student required CPR. Plaintiff suffered brain damage.
- \$10,000,000 Settlement of confidential case where bridge collapse injured construction workers.
  - Settlement of confidential San Francisco case for \$6,000,000 for construction worker's amputation of leg due to crane failure.
  - Trial and settlement of more than 300 "million" dollar and "multi-million" dollar injury and death cases
    - In addition, resolution of an innumerable number of cases between \$500,000 and \$1,000,000
  - Presentation of oral argument to the California Supreme Court in *Toland v. Sunland Housing* to the California Supreme Court in February 1998 - this case addressed the issue of liability of those who hire subcontractors
  - Numerous arguments presented to California Appellate Courts and the 9<sup>th</sup> Circuit Court of Appeal
  - Numerous appearances in the California Legislature supporting consumer legislation
  - Frequent lecturer addressing legal topics involving tort law, trial practice and civil procedure including several appearances by invitation at the Association of Defense Counsel yearly meetings

#### **CONSTRUCTION INCIDENT CASES**

- Successful prosecution of numerous catastrophic construction injury and death incidents throughout the country including the following recent cases:
  - (1) San Francisco Airport Disaster where a crane collapse resulted in crushing of workers leg and subsequent amputation.
  - (2) Portland Airport Disaster involving death and injury cases when structural steel collapsed
  - (3) Napa Bridge collapse involving the death and injury of numerous construction workers
  - (4) Consulting attorney in the Milwaukee Brewers Baseball Stadium Disaster where three workers were killed when the largest crane in North America collapsed while lifting a load
  - (5) Numerous crane related incidents resulting in injuries and death.
  - (6) Over 750 cases with injuries including brain damage, quadriplegia and paraplegia involving ironworkers, carpenters, operators, glaziers, laborers, lathers, bricklayers, and other trades

#### **PRODUCTS LIABILITY CASES**

- Successful prosecution of numerous seven figure products liability cases which have "taken on" various industries
    - (1) Aerosol can industry - explosion of can caused it to become a missile and strike client's head causing brain damage
    - (2) Automotive industry - improper head rests resulting in quadriplegia during a rear end collision
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- (3) Food warmer industry - failure of internal on/off switch which was subjected to too much heat resulting to severe shock
- (4) Drug product liability including a fountainhead case which played a part in removing amphetamine prescriptions for weight control
- (5) Prosecution of numerous other products cases

#### **MEDICAL NEGLIGENCE CASES**

- Successful prosecution of numerous seven figure medical negligence cases
  - (1) Negligent administration of magnesium sulfate after delivery of child resulting in mother suffering brain damage and a resultant persistent vegetative state
  - (2) Failure to diagnose stroke involving a Silicon Valley Executive
  - (3) Failure to recommend and perform amniocentesis resulting "wrongful birth" of severely retarded baby
  - (4) Death of patient after the performance of "face lift" by a plastic surgeon
  - (5) Numerous other medical negligence cases resulting in catastrophic losses

#### **PUBLICATIONS**

##### **Recent publications include**

- *The Evidence Wheel*© and *The Trial Wheel*© (State and Federal Versions) -- published by West/Thompson Reuters and specifically The Rutter Group which is arguably the best published or California legal publications. These texts are used by practicing lawyers and judges. These publications have both California and Federal versions.
- *The Mary Carter Sliding Scale Settlement: A remedy for the Recalcitrant Defendant in a Joint Tortfeasor Case*, *CAOC Forum* (June 2001)
- *Handling Injury & Death Cases Arising Out of Construction Incidents: 10 Basic Concepts*, *CAOC Forum* (October 2000)
- *Another View of the Peculiar Risk Doctrine*, *California Litigation* (No. 3 1999)
- *The Admissibility of Medical Articles and Texts: Evidence Code § 721(b)3 Opens Up the Back Door* *CAOC Forum*, (October 1999)
- *Calculating the Judgment on Jury Verdict: Where Art Meets the Math Nightmare*, *CAOC Forum* (April 1999)
- *Admissibility of Subsequent Remedial Measures in a Premises of Construction Incident Case* *CAOC Forum* (April 2002)

#### **RECENT SPEAKING ENGAGEMENTS**

- San Francisco Trial Lawyers Association July 2000: Construction Injury Litigation: A Blueprint for Success
  - San Francisco Trial Lawyers Association September 2003: Unique Populations: Special Laws Equals Big Results  
Representing Children in Wrongful Death Actions
  - Consumer Attorneys of California November 2003-CAOC Convention:  
"Masters" Jury Selection Seminar
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- San Francisco Trial Lawyers Association February 2004: Interactive discussion and demo  
Jurors and Damages: How to Select a Jury Not Afraid of Damages
  - San Francisco Trial Lawyers Association February 2004: PowerPoint for Lawyers
  - Consumer Attorneys of California November 2004-CAOC Convention: Third Party Cases affected by the new WC Legislation
  - San Francisco Trial Lawyers Association November 2004: Proving General damages with passion and dispassion
  - San Francisco Trial Lawyers Association January 2005: PowerPoint for the Courtroom
  - San Francisco Trial Lawyers Association February 2005: Now that We've Worked so Hard to get the Evidence let's Make Sure We Get it in
  - ABOTA February 2005: ABOTA: Masters In Trial (Presented Mock Trial)
  - State Bar of California June 2005: State Bar of California: Superstars in Trial
  - June 2005: *Elsner* Seminar to Association of Defense Lawyers
  - San Francisco Trial Lawyers Association June 2005: Demonstrative Evidence
  - San Francisco Trial Lawyers Association September 2005: Maximizing your Case
  - San Francisco Trial Lawyers Association September 2005: Strategic Methods for effective plaintiff direct examinations  
Maximizing the value of your case through its most powerful asset  
How to Use High Tech (and sometimes low tech) to prove your case
  - San Francisco Trial Lawyers Association November 2005: Demonstrative Evidence
  - Consumer Attorneys of California November 2005-CAOC Convention: "The Greatest Hits of 2004: Themes and Arguments that Won Their Hearts and Minds"
  - San Francisco Trial Lawyers Association June 2006: Chaired the Presentation of "Masters of Trial" at the regional trial lawyer conference for all of the California local Trial Lawyer Organizations -- Seven "Masters" of trial presented the seminar
  - San Francisco Trial Lawyers Association May 2007: "California Regional Trial Lawyer Convention" LaJolla Seminar Chair "Tips from the Masters"
  - ABOTA May 29, 2007: San Francisco ABOTA Masters in Trial -- presented opening statement
  - Association of Defense Counsel San Francisco December 2007: "Ethics and Trial"
  - San Francisco Trial Lawyers Association May 2008: "California Regional Trial Lawyer Convention" Napa Seminar Chair "Tips from the Masters"
  - ABOTA May 2009: ABOTA Masters of Trial Orange County
  - San Francisco Trial Lawyers Association June 2009: SFTLA seminar Evidence
  - San Francisco Trial Lawyers Association June 2009: "California Regional Trial Lawyer Convention" Chair, Jury Selection in this Economic Environment
  - Consumer Attorneys of California November 2009 The Evidence Wheel
  - San Francisco Trial Lawyers Association April 2010 Class Actions Against Financial Institutions including Institutional Financial Elder Abuse
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- Los Angeles Trial Lawyers Association June 2010: LATLA Las Vegas Convention-- How To Get Evidence Admitted
- Consumer Attorneys of California November 2010 The Trial Wheel
- The Rutter Guide May 2011: The Rutter Guide Evidence and Trial Wheel Seminar, San Francisco and Los Angeles
- ABOTA October 2011: ABOTA Masters of Trial, San Francisco
- Forensic Expert Witness Association November 2011: Forensic Expert Witness Associations "The Future of Expert Witnesses"
- Consumer Attorneys of California November 2011- CAOC Convention: "California College of Trial Arts: Trial Tips by The Masters - How to Keep Inadmissible Evidence Out"
- University of San Francisco Yearly Lecture to USF 3<sup>rd</sup> Year Law Students in Intensive Advocacy Program: Jury Selection

**OTHER**

Interests: Spending as much time as possible with the family, fly fishing, tennis, golf, snow skiing, cycling, sailing, travel, growing wine grapes, making wine and philanthropy

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