

JONATHAN C. DICKEY

Representative Securities Cases

Countrywide

Mr. Dickey is one of the Gibson, Dunn partners defending a group of prominent Wall Street underwriter defendants in major securities class action litigation in federal court in Los Angeles arising out of the subprime lending practices of Countrywide Financial Corporation.

Washington Mutual

Mr. Dickey is one of the Gibson, Dunn partners defending the underwriter defendants in the securities class action in Seattle, Washington arising out of Washington Mutual's recent collapse. The case is at the pleading stage.

Intel

Mr. Dickey is defending Intel and its Board of Directors in shareholder derivative suits pending in Delaware and California, in which plaintiffs allege that the Board breached its duty of oversight with regard to the company's alleged ongoing violations of U.S. antitrust laws. The cases are at the pleading stage.

Hewlett-Packard

Mr. Dickey is one of the Gibson, Dunn partners leading the defense of the Board of Directors of HP in class and derivative litigation challenging the Board's decision to award certain severance and other termination benefits to its former CEO, Carly Fiorina, upon her termination in 2005. We filed an initial motion to dismiss, which the court granted instead opted to amend their complaint. A second motion to dismiss was granted without leave to amend in 2008. The case is on appeal in the Ninth Circuit.

Thornburg Mortgage

Mr. Dickey is one of the Gibson, Dunn partners defending underwriter defendants in subprime-related class action litigation in the District of New Mexico arising out of recent financial problems at New Mexico-based Thornburg Mortgage, Inc. The case is at the early stages.

Stoneridge

Mr. Dickey was one of the Gibson, Dunn partners who represented a group of distinguished former SEC Commissioners and law professors as *amicus curiae* before the United States Supreme Court in the recent case of *Stoneridge Investment Partners LLC v Scientific Atlanta, Inc. et al*, in which the Court addressed and clarified the scope of primary liability under Section 10(b) of the Securities Exchange Act of 1934. In Fall 2007, the Court heard oral argument in

the case, and in 2008, the Court issued a decision affirming the appeals court, and upholding the position we advocated in our brief.

Exodus Communications

Mr. Dickey is defending Goldman Sachs, Merrill Lynch, Morgan Stanley and CS First Boston as underwriters of various Exodus securities offerings. Our initial motion to dismiss all claims was granted with leave to amend. After plaintiffs amended, we answered the complaint. Based on class discovery, the district court granted summary judgment in favor of our clients on the grounds that no plaintiff has standing to continue the action. A favorable settlement was subsequently negotiated, and final court approval of the settlement is expected in October 2008.

Leadis Technology

Mr. Dickey is defending Goldman Sachs, Merrill Lynch, Thomas Weisel and Needham & Company as underwriters of the initial public offering of Leadis Technology in mid-2004. The case arises out of Leadis' disclosure a few months following its IPO that sales of one of its principal products had declined significantly. We filed a motion to dismiss, which was granted without leave to amend. The decision was reversed on appeal by the Ninth Circuit in 2008, and is now the subject of a cert. petition to the U.S. Supreme Court.

Syntax-Brilliant

Mr. Dickey is defending Merrill Lynch, UBS and other underwriter defendants in a securities class action in the District of Arizona arising out of the recent bankruptcy of Syntax-Brilliant, a major seller of HDTV's in North America and Asia, following a secondary offering of securities in 2007. The case is at the pleading stage.

MuniMae

Mr. Dickey is defending Merrill Lynch and RBC Securities as underwriter defendants in a Section 11 class action in the District of Maryland arising out of a secondary common stock offering of Maryland-based MuniMae. The case is at the pleading stage.

Global Cash Access Holdings, Inc.

Mr. Dickey is defending a group of underwriter defendants in securities class action litigation in the District of Nevada arising out of two public offerings of securities for Nevada-based Global Cash Access, Inc. The case is at the pleading stage.

Orion Energy

Mr. Dickey is lead counsel for Thomas Weisel, Canaccord Adams, and Pacific Growth Equities in the defense of a Section 11 class action in the Southern

District of New York arising out of the 2007 Initial Public Offering of Orion Energy. The case is at the pleading stage.

Stock Option Cases

Mr. Dickey has represented a variety of companies and individuals in stock-option backdating matters, including in connection with confidential investigations, regulatory inquiries, and civil litigation. His public representations include the defense of Openwave Systems in class and derivative litigation in California and New York; and the defense of a former officer and director of Actel Corporation in derivative litigation in California.

Currenex

Mr. Dickey successfully defended Currenex Inc. and its officers and directors in a breach of fiduciary duty lawsuit in California arising out of the acquisition of Currenex by State Street Bank & Trust in March 2007. Plaintiffs, who are former minority shareholders of Currenex, contend that their holdings were unlawfully diluted by certain pre-merger corporate financings that ousted them from control, and which are alleged to have constituted acts of abuse of control and corporate waste. In 2008, the Court granted our motion to dismiss the suit and final judgment was entered in our clients' favor.

Golden State Vintners

Mr. Dickey is lead counsel for the former chief executive officer of Golden State Vintners in a class action litigation attacking the merger of Golden State Vintners and The Wine Group. The action is brought on behalf of a putative class of persons who sold their shares prior to the announcement of The Wine Group's interest in acquiring Golden State Vintners, as a result of which the share price increased dramatically. We successfully moved to dismiss the case on behalf of all defendants. The case is now on appeal.

Qwest Communications

Mr. Dickey was lead counsel for Merrill Lynch in securities cases arising out of various Qwest bond offerings under Rule 144A prior to Qwest's restatement of its financial statements due to alleged accounting improprieties. Merrill Lynch acted as an Initial Purchaser of several Qwest private note offerings, which are alleged to have been fraudulent. All cases against Merrill Lynch were successfully settled.

SONICblue

Mr. Dickey represented the former directors and officers of SONICblue in bankruptcy-related litigation alleging breach of fiduciary duty in a "deepening insolvency" context. After motion practice and protracted mediation efforts, the case was successfully settled, without any payment from our clients.

Thoratec Corporation

Mr. Dickey represented Thoratec and its directors and officers in a class action arising out of a 2004 announcement that the company's projected sales of a new device would be less than previously forecast, resulting in a steep decline in the stock price. We successfully moved to dismiss the complaint, after which the case settled for a nominal amount.

“Breakpoint Discount” Litigation

Mr. Dickey represented Merrill Lynch in a case challenging Merrill Lynch's sales practices for mutual funds throughout the United States. After Merrill Lynch removed the case to federal court, plaintiffs abandoned their lawsuit.

Hawaiian Airlines

Mr. Dickey represented Hawaiian Airlines' board of directors in several class actions challenging Hawaiian's aborted merger with Aloha Airlines. The cases was abandoned by plaintiffs counsel after Hawaiian did not consummate the acquisition.

Amazon.com

Mr. Dickey represented Amazon.com and its officers and directors in 15 class action cases filed in the Western District of Washington, alleging that the Company issued misleading disclosures concerning its strategic partnering relationships, and improperly accounted for the revenues in connection with those partnering relationships. Our initial motions to dismiss were granted with respect to a majority of claims, and additional motions to dismiss were brought as to certain amended claims, after which the cases were successfully settled. We successfully resolved a related SEC investigation.

NextCard

Mr. Dickey represented NextCard and its officers and directors in multiple class actions pending in the Northern District of California, and related regulatory proceedings by the FDIC and other federal government agencies. Following NextCard's bankruptcy, we acted as coordinating counsel in on-going settlement negotiations with plaintiffs and the federal agencies.

“Flipping” Litigation

Mr. Dickey was lead counsel for a group of investment banks sued for alleged unfair trade practices relating to the use of “penalty bids” in connection with IPO's, in which members of the syndicate are penalized if customers who receive IPO allocations immediately “flip” their shares for a profit. Mr. Dickey obtained a dismissal of all claims at the pleading stage. The district court decision subsequently was affirmed by the Ninth Circuit.

“Best Execution” Litigation

Mr. Dickey defended Morgan Stanley in a class action challenging the firm’s execution practices for OTC stocks over a six-year period. After significant appellate proceedings, and extensive mediation, the case was successfully settled.

Network Associates

Mr. Dickey successfully defended PricewaterhouseCoopers in a derivative lawsuit against Network Associates’ officers and directors, and PwC, arising out of the Company’s earnings announcement in December 2000, which announced, inter alia, certain changes to the Company’s revenue recognition practices. We successfully moved to dismiss all claims against PwC without leave to amend.

Research Report Litigation

Mr. Dickey successfully defended Merrill Lynch and its senior analyst, Henry Blodget, in class action litigation challenging Merrill’s research reporting on numerous public companies during the Internet “bubble.” Mr. Dickey obtained the dismissal of all claims at the pleading stage. The case recently was affirmed on appeal in the Ninth Circuit.

“Callable CD” Litigation

Mr. Dickey successfully defended Merrill Lynch in a nationwide class action litigation alleging unfair sales practices by Merrill Lynch in connection with the sale of “callable CD’s”, which are certificates of deposits that are redeemable by the issuer, and which provide above-market rates of returns. Various federal and state agencies also are investigating the sale of callable CD’s. After removing the case to Federal court, we successfully defeated an early motion to remand the case, after which plaintiffs settled their claims against Merrill Lynch, while claims against various co-defendants proceeded.

Aurora Foods

Mr. Dickey represented Aurora Foods, a leading maker of retail foods such as Aunt Jemima and Duncan Hines, in the defense of 19 class actions brought under the Reform Act, and a related derivative suit, arising out of Aurora’s restatement of financial results for 1998-1999. A settlement was announced in January 2001, within 11 months of when the initial suits were commenced. Despite the criminal indictment of several former members of management, the cases settled within policy limits, and the Company recouped over \$15 million in consideration from certain former officers as part of the global settlement.

PeopleSoft

Mr. Dickey represented PeopleSoft and various of its officers and directors in the defense of 19 class action suits filed in the Northern District of California following PeopleSoft’s announcement of slower growth prospects for 1999. After a

dismissal of most defendants and a large portion of the class period in May 2000, the case was successfully settled in early 2001, following the filing of PeopleSoft's motion for summary judgment under the "safe harbor" of the Reform Act. A related state court derivative suit was settled simultaneously.

Hall Kinion

Mr. Dickey represented Hall Kinion & Associates, Inc., and its directors and officers in this Reform Act litigation arising out of Hall Kinion's June 1998 earnings surprise. Mr. Dickey successfully moved to dismiss all claims against our clients within fifteen months of suit being filed. After plaintiffs appealed the case to the Ninth Circuit, they voluntarily dismissed the appeal and dropped the case in April 2001.

Cendant

Mr. Dickey represented Cendant in shareholder litigation in San Francisco arising out of Cendant's disclosure in April 1998 that it was restating financial results for 1997 due to accounting errors and irregularities. The matter was successfully resolved within four months of when the claim was filed.

Intel/Chips & Technologies

Mr. Dickey was one of the lawyers representing Intel Corporation in the defense of securities class actions brought in state court in California and Delaware challenging Intel's 1997 acquisition of Chips & Technologies. The case was settled with no payment of damages or other economic relief to plaintiffs.

"Spin Account"

Mr. Dickey represented J.P. Morgan Chase H&Q (formerly Hambrecht & Quist) in civil litigation concerning so-called "spin account" practices by various investment banks in connection with "hot issues" of IPO securities. The matter received significant national attention and coverage by major news media. In September 1998, Mr. Dickey successfully moved to dismiss all claims against our client without leave to amend. The subsequent appeal was voluntarily dismissed by plaintiffs' counsel.

Informix

Mr. Dickey represented the Company's former chief financial officer in numerous federal and state court class actions, and a related SEC investigation, arising out of Informix's announcement of a \$270 million restatement for the period 1994-1996. The civil cases were successfully settled in 1999.

Firefox

Mr. Dickey represented the American Electronics Association as amicus curiae in the Ninth Circuit appeal in this matter, in which the AEA is arguing in favor of more stringent pleading standards under the Private Securities Litigation Reform

Act. The case was argued to the Ninth Circuit in August 1998, and later vacated and remanded.

Silicon Graphics

Mr. Dickey represented the American Electronics Association as amicus curiae in this high profile case before the Ninth Circuit, in which we supported SGI's request for a court ruling that the pleading standard for scienter under Section 10(b) should exclude allegations of "motive and opportunity". The case was argued to the Ninth Circuit in June 1998 and resulted in a precedent-setting opinion establishing a strong scienter standard.

Storm Technology

Mr. Dickey represented Hambrecht & Quist and Goldman, Sachs & Co., co-managing underwriters of Storm's 1996 initial public offering, in federal and state court class action litigation arising out of the company's 1996 IPO and subsequent adverse earnings announcements. Mr. Dickey successfully moved to dismiss the state court case. A similar motion to dismiss the companion federal action was dismissed with leave to amend, following which plaintiffs abandoned their claims against our clients, without any payment or other consideration from our clients.

Diamond Multimedia

Mr. Dickey represented Coopers & Lybrand, outside auditor of Diamond Multimedia, in connection with class action and derivative litigation arising out of the Company's announcement in 1996 of a material write down of inventory and other adverse financial results. Coopers & Lybrand did not pay any amount in connection with the resolution of this litigation.

Quarterdeck Corp.

Mr. Dickey represented the Company and its officers in federal and state court class actions under the Reform Act in Los Angeles arising out of Quarterdeck's June 1996 announcement of a significant quarterly loss. After successfully staying the state court action, Mr. Dickey negotiated a settlement within twelve months of suit being filed, in which the Company paid a small fraction of a global settlement of all pending litigation.

Reddi Brake Supply

Mr. Dickey represented the Company and its directors and officers in a class action arising out of a 1995 earnings surprise, which was settled without any payment from the Company within four months of our assuming the defense of the case. Mr. Dickey also represented the former directors and officers of the Company in litigation brought in 1997 by the Creditors Committee of the Company's insolvent subsidiary, which was successfully settled within 12 months of suit being filed. A third generation of class action litigation was filed in 1998, and was recently settled.

Network Computing Devices

Mr. Dickey represented Morgan Stanley & Co. in a class action suit in Santa Clara County Superior Court. Mr. Dickey obtained a favorable ruling from the California Supreme Court in the case, after which the case settled and our client paid nothing.

ParcPlace Systems

Mr. Dickey represented Inman & Bowman, a venture capital firm, and one of ParcPlace's outside directors in this class action, which arose out of ParcPlace's announcement in June 1995 of weakening demand for its VisualWorks product line. We obtained the voluntary dismissal of all claims against our clients.

Applied Digital Access

Mr. Dickey represented the Company and its officers in this class action arising out of a stock price decline in early 1995. Mr. Dickey obtained a favorable settlement within six months of suit being filed.

Quickturn Design Systems

Mr. Dickey represented Morgan Stanley & Co., Hambrecht & Quist, Inc. and two of the analysts employed by those firms. Mr. Dickey successfully moved to dismiss all claims against the underwriters with prejudice, within six months of suit being filed.

Microelectronic Packaging

Mr. Dickey represented Microelectronic Packaging, Inc. and its officers and directors in two consolidated class actions arising out of a misstatement of the Company's 1993 financial results. Mr. Dickey negotiated a favorable settlement within nine months of the suit being filed.

Ross Systems

Mr. Dickey represented one of the outside directors of the Company and secured the voluntary dismissal by plaintiffs' counsel of all claims against his client.

Molecular Dynamics

Mr. Dickey represented the Company in a class action arising out of Molecular Dynamics' 1993 initial public offering. Mr. Dickey negotiated a very favorable settlement within four months of suit being filed. Mr. Dickey also represented the company in a related SEC investigation.

Masstor

Mr. Dickey represented two of the three officer defendants in this major class action, in connection with which he negotiated a unique settlement permitting the

defendants to recoup some of the settlement amount depending on the level of claims from class members. The litigation resulted in an extremely favorable settlement where insurance coverage was doubtful.

In Re Triton Container

Mr. Dickey represented Salomon Brothers in a series of consolidated class action cases brought in connection with a limited partnership “roll-up,” in which Salomon gave a fairness opinion and conducted due diligence in connection with the “roll up” of Triton Container Corp. investment partnerships. The case settled on very favorable terms.

Coastcast Corporation

Mr. Dickey represented Bear Stearns & Co. and one of its analysts in a class action case in Los Angeles in which he successfully secured the dismissal of all claims in this action against his client.

Trident Microsystems

Mr. Dickey represented Alex Brown & Sons, Inc. and Hambrecht & Quist, Inc., the managing underwriters of Trident’s initial public offering. Mr. Dickey successfully settled the litigation within any payment by his clients.

TriQuint Semiconductor

Mr. Dickey secured the voluntary dismissal by plaintiffs’ counsel of Kleiner Perkins Caulfield & Byers, a venture capital firm, and one of its partners, an outside director of the Company. No consideration of any kind was paid by Mr. Dickey’s clients.

3DO

Mr. Dickey represented Morgan Stanley & Co. and Alex Brown & Sons, Inc., the managing underwriters of 3DO’s initial public offering. Mr. Dickey negotiated an early dismissal of his clients. The clients paid nothing.

Stac Electronics

Mr. Dickey represented Sigma Partners, a venture capital firm, and one of Stac’s outside directors, in a class action relating to the 1992 initial public offering of Stac Electronics. Mr. Dickey successfully moved to dismiss all claims against his client with prejudice, within just a few months after suit was filed.

Borland International

Mr. Dickey represented eight former officers and directors of the Company in the defense of a class action arising out of Borland’s earnings disappointments in 1994. Mr. Dickey negotiated a favorable settlement, under which his clients paid nothing.

Media Vision Technology

Mr. Dickey represented Media Vision's outside auditors, Coopers & Lybrand, in nineteen consolidated securities class actions arising out of Media Vision's 1994 bankruptcy. Plaintiffs agreed to dismiss Coopers as part of a very favorable settlement reached within six months after suit was filed. Mr. Dickey also represented Coopers & Lybrand in a related litigation brought by the Official Creditors Committee of Media Vision, which was successfully settled within one year after suit was filed. Other defendants in these cases were indicted for civil and criminal securities fraud and insider trading violations.

Technical Equities

In one of the largest securities fraud cases in California history, Mr. Dickey represented Sutro & Co. and successfully settled more than 700 investor suits on terms substantially better than those obtained by any other defendant.

Sun Microsystems

Mr. Dickey represented one of the principal officers of the Company in a consolidated class action arising out of a 1992 earnings surprise. Summary judgment was granted on behalf of his client while the case against the other defendants went forward.

Amdahl

Mr. Dickey represented the Company and all of its officers and directors in five consolidated securities class action cases arising out of a significant earnings decline announced in September 1993. Mr. Dickey negotiated a favorable settlement on behalf of his clients within six months of suit being filed.