



T E N Y E A R R E V I E W

Dear Clients, Friends and Colleagues:

Our Practice Areas Include:

- Appellate
- Architects and Engineers Liability
- Alternative Dispute Resolution
- Aviation
- Catastrophic Injury
- Civil Liability
- Commercial Litigation
- Construction Litigation
- Environmental and Toxic Tort
- Foodborne Illness
- Government Contracts
- Healthcare
- Insurance Coverage
- International Arbitration
- Labor and Employment
- Medical Device and Pharmaceutical Litigation
- Nursing Home Defense
- Premises Liability
- Product Liability
- Professional Liability
- Real Estate
- Transportation Litigation

With our Firm's 10 year anniversary, we take this opportunity to reflect on our clients and Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC ("WWHGD") employees who have made our Firm so successful in such a short period of time. We thank our clients for the opportunity to help resolve your most complex and important cases, and we look forward to continuing to work with you in the future. We thank our Partners, Members, Associates and employees for your uncommon talent and dedication, which has enabled our Firm to prosper and grow over these 10 years into what we believe is one of the premier trial law firms in the country.

Our Firm started in 1999 with just 24 lawyers. With our current team of over 75 attorneys, over 170 employees and offices in Atlanta, Miami and Las Vegas, our Firm has grown beyond any expectations. Additionally, our Firm practice areas have expanded to include various niches of legal expertise including Aviation Litigation, Labor and Employment, International Arbitration, and Insurance Coverage Related Litigation, among others.

In the last 10 years, through the diversity of our practice, we have handled cases in all 50 states and tried cases in 31 states and the Bahamas. While our numbers have grown, our Firm has retained its sense of purpose and the knowledge that every client and every case matters, regardless of size. Even so, with these numbers and the diversity of our practice, we are able to successfully handle any lawsuit, in any jurisdiction, regardless of the size or complexity.

We are proud of our history and we look forward with anticipation to continued service to our clients in the years to come.

Sincerely,

Billy Gunn, Dave Dial and Skip Hudgins





History

WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC WAS FORMED IN SEPTEMBER OF 1999 TO PROVIDE SUPERIOR COUNSEL TO ITS CLIENTS AROUND THE COUNTRY.

Tracing its roots back to the partnership started in 1952 by two of the South's premier trial lawyers, Tom Long and Ben Weinberg, WWHGD developed a reputation as a "go-to" trial law firm in the Southeast and throughout the nation. Since its inception, WWHGD has been ready to handle a variety of complex cases in any jurisdiction. During the past decade, our lawyers successfully tried and arbitrated over 250 high stakes cases across the country. Our clients and adversaries have learned that our firm not only accepts but also embraces challenging, complex and high-stakes cases.

WWHGD's distinctive, dedicated and ethical approach to client advocacy and litigation, the talent and depth of our lawyers and staff, and the results we have achieved have helped WWHGD develop an impressive list of valued clients across the country. This client growth led to firm growth, including the addition of over 40 lawyers in WWHGD's Atlanta office, as well as the opening of offices in Miami and Las Vegas.



SPOTLIGHT ON:

FOODBORNE ILLNESS

No practice area has grown as quickly in the last 10 years as the Firm's foodborne illness group. Begun at the Firm's inception in 1999, the group, lead by WWHGD partner Alan M. "Al" Maxwell, has advised clients in numerous capacities. The Firm has represented the largest food companies in the country and in the last five years has participated in the defense of nearly every national foodborne outbreak, routinely retained as coordinating counsel. The group advises clients on issues involving crisis management, insurance coverage, liability and damages exposure, and regulatory compliance. The group has developed relationships with the leading scientists and, as a result, is able to quickly respond to any crisis – large or small.

- WWHGD served as national coordinating counsel for a California spinach processor in a 2006 nationwide E. coli O157:H7 outbreak afflicting over 200 individuals in 26 states. All cases were amicably resolved in WWHGD's client's favor.
- WWHGD represented two separate concerns in nationwide peanut butter outbreaks that occurred in 2007 and 2008, each of which received intense, worldwide media attention.
- The Firm served as national coordinating counsel for a California lettuce processor in a large E. coli O157:H7 outbreak that occurred in the northeast in 2006 associated with a nationally-known fast food restaurant chain.

EXCELLENCE

▶ Significant Developments

Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC has become one of the most trusted law firms for high-profile, complex and catastrophic cases. We have helped our clients in more than 10,000 cases in all 50 states and internationally since 1999. We have also tried and arbitrated more than 250 cases during that time. Ten years ago, our two largest practice groups were Catastrophic Injury and Construction. They remain our largest practices. Below are some examples of these two national practices.



CATASTROPHIC INJURY

- WWHGD is currently defending a sugar refinery in 66 wrongful death and personal injury claims following a catastrophic explosion which destroyed the refinery's packaging houses and silos allegedly due to the presence of combustible sugar dust.
- WWHGD is currently defending a national hotel company for wrongful death and personal injury claims arising out of a hotel fire that damaged seven stories of its Atlanta area property.
- The Firm is currently defending an international transportation company in litigation arising out of a Los Angeles area train accident involving 25 deaths and alleged injuries to an additional 102 potential claimants. WWHGD is also counseling the client on proceedings pending before the NTSB.
- WWHGD represented a national tire manufacturer in an accident resulting in four deaths and two paraplegic children in Arkansas. The cases settled favorably just before trial.
- An explosion at a plant in North Carolina resulted in six deaths and over 25 injured people. WWHGD represented the target Defendant. The cases were favorably settled.



CONSTRUCTION

- WWHGD's attorneys have experience representing contractors, subcontractors, owners, architects and engineers in construction-related disputes involving payment claims and defenses, lien claims, defective work claims, bodily injury claims and property damage claims.
- WWHGD recently obtained an overwhelming victory in defense of one of the world's most prominent design/engineering firms which was accused of design errors on the largest public works project in the history of the State of South Carolina. WWHGD saved the design/engineering firm and its insurance carrier over \$70 million in damages.
- The Firm's construction practice includes litigation throughout the country and the world. In its representation of one of the largest casino and hotel operations in Las Vegas, Nevada, WWHGD successfully defended a claim by a large technology trade contractor by forcing a settlement of less than five percent of the original \$20 million demand.
- WWHGD is currently representing a major national construction company that leased specialized equipment to an international construction company which has been acting as the general contractor for the construction of an \$114 million bridge across a river in a western state. The temporary construction system, of which our clients' equipment was a part, allegedly failed during a wind storm on the project. The alleged failure has resulted in a \$73 million claim against our client by the general contractor for direct costs and various delay, acceleration and other consequential damages. The dispute is scheduled for a 4 week arbitration this year.

CONTINUED INSIDE

▶ Significant Developments CONTINUED



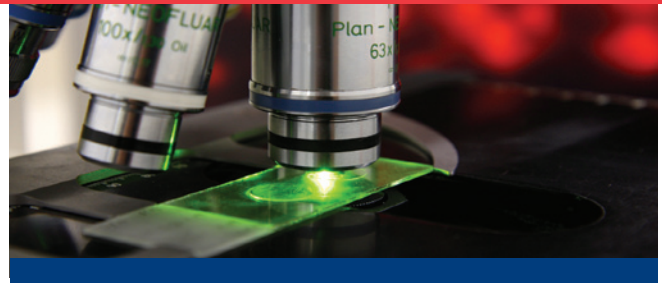
TRANSPORTATION

- Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC has represented national, regional and local motor carriers, rail carriers, and trucking and transportation companies in catastrophic injury and wrongful death claims located throughout the country.
- The Firm's litigation experience includes representing transportation clients in over 20 trials since the beginning of the Firm, including trials in Alabama, Arkansas, California, Georgia, Florida, Kentucky, Missouri, Nevada, North Carolina, Oklahoma, Tennessee, and Virginia.
- WWHGD served as National Counsel for a national charter bus company relating to three separate accidents occurring in Arizona, California and Tennessee which involved related facts, claims and issues resulting in over 30 lawsuits and multiple wrongful death and personal injury claims.



PREMISES LIABILITY

- WWHGD is providing innovative trial defenses in premises liability cases involving murder, violent crime and sexual assault throughout the United States.
- The Firm received "Top Ten Defense Verdicts of 2006" by Missouri Lawyers Weekly for a case involving a shooting at a Kansas City, Missouri mall.
- WWHGD obtained an excellent result for a large convenience store chain in a rape-murder of an employee after being retained one week before trial in New Mexico.



MEDICAL DEVICE & PHARMACEUTICAL LITIGATION

- WWHGD serves as national trial counsel for an international medical device manufacturer in product liability actions regarding a product for female urinary incontinence resulting in over 740 cases nationwide and trials in Philadelphia, PA; New York, NY; East St. Louis, IL; and Bakersfield, CA.
- The Firm serves as national trial and discovery counsel for an international medical device manufacturer for all product liability actions brought regarding a coronary artery stent.
- WWHGD represents an international pharmaceutical company in all product liability actions brought regarding an over-the-counter laxative product. There are approximately 200 lawsuits nationwide.



APPELLATE

- WWHGD has handled appeals with reported decisions in numerous state and federal courts around the country. The Firm's attorneys are admitted in ten of the thirteen United States Circuit Courts of Appeals, the United States Supreme Court, and State Appellate and Supreme Courts for 22 states.
- The matters handled on appeal are as extensive as the Firm's practice areas, ranging from commercial and construction disputes to medical malpractice and product liability cases.
- Among WWHGD's recent appellate victories, the Firm recently succeeded in persuading the Georgia Court of Appeals to affirm the trial court's denial of class certification in a hotly-contested case in which the Firm's client faced significant exposure if the potential class of over 500 customers was allowed to go forward.



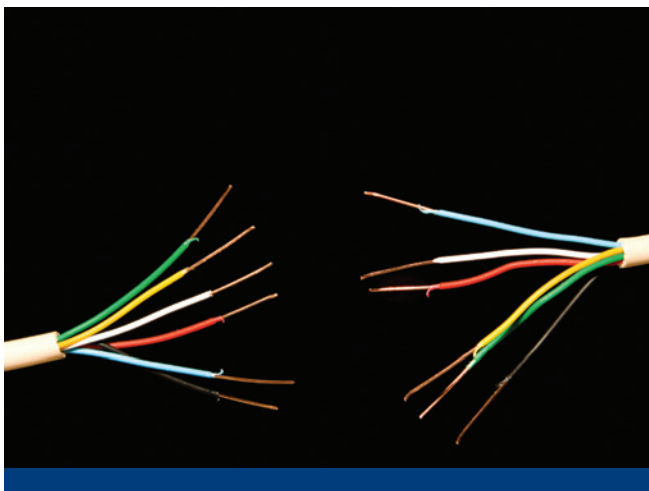
HEALTHCARE & MEDICAL

- Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC attorneys have dozens of years of successful representation of hospitals and licensed medical professionals and technicians. The Firm represents two of the nation's largest healthcare service providers and has tried medical malpractice cases in Alabama, Delaware, Florida, Georgia, Mississippi, New Jersey, North Carolina, Pennsylvania and South Carolina.
- The Firm has substantial experience in the defense of nursing homes and other long term care facilities nationally. WWHGD has handled nursing home cases in 28 states.
- WWHGD also represents healthcare professionals and facilities in connection with medical staff and general healthcare matters including representation of healthcare practitioners before state licensing boards, representation of parties, or serving as a hearing officer in peer review Fair Hearings pursuant to the Health Care Quality Improvement Act and facility Medical Staff Bylaws and procedures.



INSURANCE COVERAGE

- WWHGD has been retained throughout the United States on insurance coverage related matters and has obtained summary judgment for its clients in diverse jurisdictions.
- The Firm was successful in voiding, on the basis of Virginia public policy, a contractual indemnity provision which an alleged additional insured and its tower of insurers claimed was a basis for additional insured status under an excess liability policy issued by the Firm's client.
- WWHGD obtained summary judgment in favor of an excess liability insurance carrier in litigation in which an insured claimed a right to coverage for a multimillion dollar arbitration award arising out of the insured's construction of buildings in North Carolina which were defective and failed to conform to building codes and standards.



PRODUCT LIABILITY

- WWHGD has been retained as national, regional and local counsel in hundreds of product liability cases across the country on behalf of domestic and foreign manufacturers, distributors, designers and sellers of products of all types.
- WWHGD attorneys have tried cases involving product liability related issues in Alabama, California, Florida, Georgia, Illinois, Massachusetts, Michigan, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Tennessee, Wisconsin and Wyoming.
- Three of the Firm's partners in the Product Liability Group have been named as members of the prestigious Product Liability Advisory Counsel.

▶ NEW DEVELOPMENTS



The addition of new partners in the last 10 years has resulted in significantly increasing our experience in three important practice groups.



▶ Environmental & Toxic Tort

- WWHGD has defended clients in a wide range of industries in litigation involving private citizen suits, natural resource damage claims, Superfund cost recovery proceedings, public nuisance claims and class actions.
- WWHGD successfully defended a class action brought by 253 students claiming bodily injury and medical monitoring damages related to asbestos exposure stemming from a school demolition project.
- The Firm is currently defending product manufacturers in cases involving 221 plaintiffs alleging Parkinson-like symptoms and other neurological deficits from alleged exposure to magnesium released from welding rod fumes.



▶ Aviation

- WWHGD covers the radar screen – we represent airlines, air charter and air freight companies, aviation insurers and manufacturers, and fixed based operators and regional airport authorities.
- WWHGD's aviation lawyers have participated in high-profile mass disasters and have coordinated the defense of innumerable general aviation accidents.
- The Firm's attorneys provided defense in the aviation disaster of LAPA Flight 3142 in Buenos Aires, Argentina.



▶ Labor & Employment

- Our lawyers have obtained summary judgment in over fifty employment-related lawsuits including claims of wrongful termination, failure to pay overtime compensation, and the enforcement of non-competition clauses in employment agreements. We have successfully tried cases in North Carolina, Tennessee, Florida and Georgia.
- Our Firm defeated an effort to classify pharmacists as non-exempt individuals under the Fair Labor Standards Act. This case was closely watched by plaintiffs' lawyers throughout the country.
- WWHGD employment lawyers have successfully petitioned the National Labor Relations Board regarding the status of charge nurses as supervisors under the National Labor Relations Act.

At Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, we pride ourselves on handling the most difficult litigation. We deliver creative solutions for the litigation problems confronting our clients. Whether it is the arbitration of a \$100 million commercial dispute, planning a national defense strategy for hundreds of product liability cases resulting from a medical device recall, representing doctors and lawyers in complex professional lawsuits or helping a small trucking company resolve a catastrophic injury claim, we work as a team – within our Firm and with our clients – to obtain swift, fair and positive results. For a list of our trials and arbitrations, visit www.wwhgd.com/trials.html.

WWHGD's CONTINUING COMMITMENT

Today, the same spirit and purpose which established Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC as a preeminent trial firm thrives in every case we handle. With over 75 lawyers, WWHGD is small enough that every client and every case matters, but large and diverse enough to successfully handle any lawsuit, regardless of the size, complexity or location. WWHGD's attorneys are admitted to practice in Alabama, Arkansas, California, Connecticut, District of Columbia, Florida, Georgia, Kentucky, Illinois, Indiana, Louisiana, Massachusetts, Michigan, North Carolina, New Jersey, Nevada, New York, Oregon, Pennsylvania, South Carolina, Tennessee and Texas.

The lawyers and employees of WWHGD are proud of our history and humbled by the confidence our clients have shown in asking us to handle their most difficult litigation. Our goal for the future is to continually provide better service and achieve superior results for our clients. WWHGD has established itself as a nationally recognized and respected law firm because of its exceptional people, exceptional clients, and an adherence to ideals and beliefs which say there is only one right way to serve clients in the world of litigation – through a complete commitment to excellence.