

ROBERT L. BRACE
HOLLISTER & BRACE

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EXPERIENCE SUMMARY

Robert L. Brace (“Rusty”) has been an attorney since 1985 and AV rated since 1993. He is the head of the firm’s class action group and has over 26 years of experience in complex commercial and insurance-related litigation. Rusty also works with and for Federal Receivers and bankruptcy Trustees. Class actions successfully handled by Rusty include fraudulent insurance schemes and, most recently, the failure of I.R.C. §1031 Exchange Accommodators. In the last four years, Rusty has been responsible, with others, for recovering over \$200 million in settlements for 1031 Exchange clients.

Rusty is a member of the International Association of Insurance Receivers (IAIR). He was certified as an Accredited Insurance Receiver in December 2002 by IAIR, demonstrating special competence with legal matters arising in connection with insurance insolvencies. Rusty is also an Elk Hunting Guide licensed by the State of Idaho Outfitters and Guides Licensing Board.

PROFESSIONAL MEMBERSHIPS

Santa Barbara County Bar Association (former Officer and Director)
California Bar Association
The State Bar of California (Bar No. 122240)
Committee on State Bar Approved Professional Liability Insurance (former member)
International Association of Insurance Receivers (Accredited Insurance Receiver Legal)

ADMITTED TO PRACTICE:

All State Courts of California	(1985)
U.S. District Court, Southern District of California	(1993)
2 nd Circuit Court of Appeals	(1995)
U.S. District Court, Eastern District of California	(1996)
9 th Circuit Court of Appeals	(1996)
U.S. District Court, Northern District of California	(2002)
U.S. District Court, Central District of California	(2003)
11 th Circuit Court of Appeals	(2006)
4 th Circuit Court of Appeals	(2011)

LEAD OR CO-LEAD COUNSEL IN THE FOLLOWING MULTI-DISTRICT LITIGATION CASES:

MDL No. 902, *In re Consolidated Welfare Fund ERISA Litigation*, 856 F. Supp. 837 (S.D.N.Y.1994) before the Hon. Milton Pollack (deceased).

MDL No. 1878, *In re: Southwest Exchange Inc. Internal Revenue Service § 1031 Tax-Deferred Exchange Litigation*, United States District Court for the District of Nevada Case Number 2:07-CV-01394-RCJ-LRL before the Hon. Robert C. Jones.

MDL No. 2028, *In re: Edward H. Okun Internal Revenue Service § 1031 Tax Deferred Exchange Litigation*, United States District Court for the Northern District of California, Case Number 07-CV-2795-JW before the Hon. James Ware.

MDL No. 2054, *In re: LandAmerica 1031 Exchange Services, Inc. §1031 Tax Deferred Exchange Litigation*, United States District Court of South Carolina, Case Number 09-mn-2054-JFA before the Hon. Joseph Anderson.

ADMITTED PRO HAC VICE IN THE FOLLOWING COURTS:

U.S. District Court, District of New Mexico	(1998)
U.S. District Court, Northern District of Texas	(1999)
Circuit Court of Jackson County, Missouri	(2000)
U.S. District Court, Western District of Missouri	(2000)
U.S. District Court, Northern District of Nevada	(2004)
U.S. District Court, Southern District of Florida	(2004)
U.S. District Court, District of Columbia	(2004)
District Court, Clark County, Nevada	(2007)
U.S. District Court, Southern District of Nevada	(2007)
U.S. Bankruptcy Court, Southern District of New York	(2008)
U.S. District Court, Eastern District of Virginia	(2009)
U.S. District Court, Southern District of New York	(2010)

PRACTICE AREAS

Class Actions
General Civil Litigation
Insurance Coverage

PUBLISHED OPINIONS

In re Consolidated Welfare Fund ERISA Litigation, MDL 902, 856 F. Supp. 837 (S.D.N.Y.1994)

Janice Lloyd, as Trustee and Liquidator of First Assurance and Casualty Company, Ltd. v. Paine Webber, Inc., 1996 U.S. Dist. LEXIS 22628 (S.D. Cal. 1996)

John C. Craft, Special Deputy Liquidator of Meadowlark Insurance Company v. Sunwest Bank of Albuquerque, N.A., n/k/a NationsBank, 84 F. Supp. 2d 1226 (D.N.M. 1999)

Janice Loyd as Trustee and Liquidator of First Assurance v. Aguilar & Sebastinelli, et al., 208 F.3d 755 (9th Cir. 2000)

General Insurance Company of America v. Stephen Rhoades, 196 F.R.D. 620 (D.N.M. 2000)

Robert Craig as Co-Liquidator of Alpine Assurance Company, Ltd. and Amarilis Black v. The Bank of New York, 169 F. Supp. 2d 202 (S.D.N.Y 2001)

Robert Craig as Joint Official Liquidator of Alpine Assurance Company, Ltd. v. Chase Bank of Tex. Nat'l Ass'n., 2001 U.S. Dist. LEXIS 18134 (N.D. Tex. 2001)

Craig v. Bank of N.Y., 24 Fed. Appx. 96 (2d Cir. 2001)

Elaine Chao, Secretary of the U.S. Dept. of Labor v. James Graf, 2002 U.S. Dist. LEXIS 28329 (D. Nev. 2002)

Craig v. Bank of N.Y., 59 Fed. Appx. 388 (2d Cir. 2003)

Carolina Cas. Ins. Co. v. McGhan, 572 F. Supp. 2d 1222 (D. Nev. 2008)

In re Landamerica 1031 Exch. Servs., Inc. IRS § 1031 Tax Deferred Exch. Litig., 626 F. Supp. 2d 1345 (J.P.M.L. 2009)

Anita Hunter, et al. v. Citibank, N.A., et al., 2010 U.S. Dist. LEXIS 61912 (N.D. Cal. Feb. 3, 2010)

In re § 1031 Exch. Litig., 716 F. Supp.2d 415 (D.S.C. June 2, 2010)

In re The 1031 Tax Group, LLC, 2011 U.S. Dist. LEXIS 33755 (2011)

The Judicial Panel On
Multidistrict Litigation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DeWAYNE A. BAILEY, et al.,

Plaintiffs,

v.

EMPIRE BLUE CROSS/BLUE SHIELD,
et al.,

Defendants.

MDL DOCKET NO. 902

93 Civ. 6179 (MP)

TRANSCRIPT OF JUDGE
POLLACK'S COMMENTS
REGARDING COUNSEL AND
APPROVAL OF WAVE 1
SETTLEMENTS

JUDGE: Milton Pollack

JUDGE POLLACK: "I think I have read enough and heard enough to satisfy me that these are salutary opportunities for the disabled and sick and otherwise unnoticed people to at least get a pittance of a recovery as the result of magnificent work on the part of counsel [Hollister & Brace and Cohelan & Khoury] and the supporting staff here. Indeed, I have seen no similar indication of a public service rendered by any group of lawyers in all the years that I have practiced law myself which is for 38 or the 27 years that I have been on the bench. And I commend the counsel and the supporting staffs to the highest degree. I have no doubt, I would unhesitatingly say, that these settlements are fair, reasonable and adequate and indeed manna from heaven for the people who will ultimately share the net results of the litigation. It is also very clear to me that the efforts of counsel and the supporting staff are such in this economic climate that in furnishing financial return to counsel and the supporting staff for the services to date, there should be no delay. And this effort should not be carried on without interim compensation of expenses and fees in respect of these particular settlements right now, payable as soon as the funds can be set up in the appropriate manner. So that can provide an incentive to do this great public service that counsel and the supporting staff have undertaken and have thus far performed in these proposed settlements."

DATED: May 16, 1994


HONORABLE MILTON POLLACK
Senior United States District Court Judge