

# **EXHIBIT 4**

**Robert L. Brace CV**

Exhibit 4

**ROBERT L. BRACE**  
**HOLLISTER & BRACE**

1126 Santa Barbara Street  
P. O. Box 630  
Santa Barbara, CA 93102  
Ph: (805) 963-6711 Fax: (805) 965-0329

**EXPERIENCE SUMMARY**

I have been an attorney since 1985 and AV rated since 1993. I have over 20 years of experience in complex commercial litigation, including class actions. I practice in the area of commercial disputes which usually involve white collar crime. My expertise has developed in the area of coverage disputes with insurers. I work with and for Receivers including Independent Fiduciaries of ERISA Employee Welfare Benefit Plans. Recently, I have been involved in class litigation arising out of the failure of two large 1031 Exchange Accommodators with over \$250,000,000 in missing trust funds.

I am a member of the International Association of Insurance Receivers (IAIR) and the International Association of Insurance Fraud Agencies (IAIFA). I was certified as an Accredited Insurance Receiver in December 2002 by IAIR, demonstrating special competence with legal matters arising in connection with insurance insolvencies.

**PROFESSIONAL MEMBERSHIPS**

Santa Barbara County Bar Association (Board Membership)  
California Bar Association  
The State Bar of California – (Bar No. 122240)  
Committee on State Bar Approved Professional Liability Insurance  
International Association of Insurance Receivers (Accredited Insurance Receiver Legal)  
International Association of Insurance Fraud Agencies

**ADMITTED TO PRACTICE IN THE FOLLOWING COURTS**

All State Courts of California  
U.S. District Court, Southern District of California  
U.S. District Court, Eastern District of California  
U.S. District Court, Central District of California  
U.S. District Court, Northern District of California  
9<sup>th</sup> Circuit Court of Appeals  
2<sup>nd</sup> Circuit Court of Appeals  
11<sup>th</sup> Circuit Court of Appeals

## **ADMITTED PRO HAC VICE**

Circuit Court of Jackson County, Missouri  
U.S. District Court, Western District of Missouri  
U.S. District Court, Northern District of Texas  
U.S. District Court, District of New Mexico  
U.S. District Court, Southern District of New York  
U.S. District Court, District of Nevada  
U.S. District Court, Southern District of Florida  
U.S. District Court, District of Columbia  
District Court, Clark County, Nevada

## **PUBLISHED OPINIONS**

Bailey, et al. v. Empire Blue Cross/Blue Shield, et al., 856 F. Supp. 837 (S.D.N.Y.1994)

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

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

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)

## **PUBLISHED ARTICLES**

A Lawyer Should Be Liable For Failing To Prevent Known Insider Looting Of A Corporate Client, Mealey's Litigation Report: Insurance Insolvency, Volume 13, Issue #18, February 28, 2002, 13-18 Mealey's Litig. Rep. Ins. Insolv. 13 (2002)

Enforcement Of NAIC Trusts Can Prove To Be Very Difficult For Liquidators of Insolvent Insurers, Mealey's Litigation Report: Insurance Insolvency, Volume 14, Issue #7, September 12, 2002, 14-7 Mealey's Litig. Rep. Ins. Insolv. 11 (2002)

The Adverse Impact That Unnecessary Regulatory Allegations Have Had On E&O Coverage In The Employers Mutual, LLC Litigation, Mealey's Litigation Report: Insurance Insolvency, Volume 16, Issue #3, July 15, 2004, 16-3 Mealey's Litig. Rep. Ins. Insolv. 22 (2004)

An Update On Employers Mutual, LLC Litigation: Florida Federal Judge Finds Exclusions Were Not Triggered In Malpractice Action Against 400 Insurance Agents, Mealey's Litigation Report: Insurance Insolvency, Volume 17, Issue #11, March 2006, 17-11 Mealey's Litig. Rep. Ins. Insolv. 16 (2006)

## **FACULTY**

International Association of Insurance Receivers (“IAIR”) Workshop 1999 in Kansas City, Missouri. Lectured on Standing of Court Appointed Liquidator.

International Association of Insurance Fraud Agencies (“IAIFA”) meeting in June 2001 in Budapest, Hungary. Lectured on the Recovery of Assets to Pay Claims.

Federation of Regulatory Counsel meeting in December 2002 in San Diego, California. Lectured on Ethical Issues Created by Legal Representation of Troubled Insurer.

Santa Barbara Bar Association meeting in October 2002. Lectured on Lawyer Liability for Failing to Prevent Insider Looting of Corporate Client.

IAIFA meeting in April 2004 in London, England. Lectured on the Adverse Impact that Unnecessary Regulatory Allegations can have on E&O Coverage.

ASPPA, DOL Speaks: the 2005 Employee Benefits Conference in April 2005 in Washington, D.C. Lectured on fraudulent MEWAs.

American Bar Association, Tort Trial and Insurance Practice Section, in August 2005, Chicago convention of ABA. Lectured on the Anatomy of a Health Insurance Scam: Health Insurance Fraud Schemes and Their Impact on the Industry.

International Association of Insurance Receivers (“IAIR”) Workshop 2006 in San Diego, California. Lectured on Issues In Collecting On Professional Liability Insurance.

## **REFERENCES**

The following references may be contacted regarding my work on ERISA, insurer fraud, insolvency, liquidations, insurance coverage and 1031 Exchange Accommodators.

Timothy D. Cohelan  
Cohelan & Khoury  
605 “C” Street, Suite 200  
San Diego, CA 92101  
(619) 239-8148

Thomas D. Dillon, Esq.  
851 Burlway Road, Suite 216  
Burlingame, CA 94010  
(650) 558-8384

Robert Craig  
Joint Liquidator of Alpine Assurance  
Company, Ltd.  
1321 Jones Street  
Omaha, NE 68102  
(770) 676-3912

John C. Craft, Esq.  
Lathrop & Gate, L.C.  
2345 Grand Boulevard, Suite 2800  
Kansas City, MO 64108-2612  
(816) 292-2000

R. Bradford Huss (ERISA)  
Trucker & Huss  
120 Montgomery Street, 23<sup>rd</sup> Floor  
San Francisco, CA 94104-1244  
(415) 788-3111

Mark Ferrario, Esq.  
Kummer, Kaempfer, Bonner,  
Renshaw, & Ferrario  
3800 Howard Hughes Parkway  
7th Floor  
Las Vegas, NV 89109  
(702) 792-7000

Brad Johnston, Esq.  
Holland & Hart  
5441 Kietzke Lane 2nd Fl.  
Reno, NV 89511  
(775) 327-3061

Janice D. Loyd  
Liquidator of First Assurance &  
Casualty, Ltd.  
2050 Oklahoma Tower  
210 Park Avenue  
Oklahoma City, OK 73102-5602  
(405) 235-9371

Douglas McLeod  
Crain Communications  
Business Insurance  
711 Third Avenue  
New York, NY 10017  
(212) 210-0139

William Scott  
US Department of Labor  
Office of the Solicitor  
Plan Benefits Security Division  
P.O. Box 1914  
Washington, D.C. 20013  
(202) 693-5597

Tess J. Ferrera (Retired form DOL)  
Thompson Hine  
1920 N Street, N.W., Suite 800  
Washington, DC 20036-1600  
(202) 973-2763

Jonathan M. Fordin, Esq.  
Shutts & Bowen, LLP  
1500 Miami Center  
201 S. Biscayne Blvd.  
Miami, FL 33131  
(305) 347-7390

Kirte M. Kinser, Esq.  
Locke Liddell & Sapp, LLP  
2200 Ross Avenue, Suite 2200  
Dallas, TX 75201-2748  
(214) 740-8000

Honorable Milton Pollack (deceased)  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2102  
New York, NY 10007  
(212) 805-6115  
*(A copy of Judge Pollack's recommendation is attached)*

Nicholas J. Santoro, Esq.  
Santoro Driggs Walch  
Kearney Holley & Thompson  
400 South 4th Street, 3rd Floor  
Las Vegas, NV 89101  
(702) 791-0308

# 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 results 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."

DATE: May 16, 1994

/s/

Senior United States District Court Judge