

2. SINA describes itself as an online media company and “value-added” information services provider in China and for Chinese communities worldwide. The Company states that it provides an array of services to its users, including region-focused online portals, mobile value-added services, search and directory, interest-based and community-building channels, free and premium e-mail, online games, virtual Internet service provider (ISP), classified listings, fee-based services, e-commerce and enterprise e-solutions. The Company reported robust earnings and revenue growth during the third quarter of 2004 and guided analysts to expect substantial revenue and earnings growth during the fourth quarter as well.

3. On February 7, 2005, defendants reported preliminary results that were consistent with their 4th quarter guidance but gave the investment community a big and disappointing surprise when it disclosed an anticipated sequential revenue decline of 17% to 24% in the first quarter of 2005. Defendants explained, for the first time, that a substantial portion of the Company’s revenue and revenue growth was derived from SMS (short message services) related to “fortune-telling” horoscopes, that Chinese regulatory authorities had banned radio and television advertisements for such fortune-telling services and that the advertising ban would put a halt to “almost all of the Company’s current promotional efforts” for such products. Investors had previously been unaware that revenue and earnings derived from SINA’s fortune-telling services was material because defendants lumped fortune-telling services under the general category of “Mobile value added services.” Defendants further disclosed that a mandatory change in billing procedures for MMS services (multi-media service) would result in a 30% to 40% reduction in MMS revenues. In reaction to this news, the Company’s share price fell by more than 21%.

4. This complaint alleges that defendants knew or recklessly disregarded, but failed to disclose, the very material extent to which the Company's financial performance and prospects were dependent on revenue and earnings derived from fortune-telling type services, and that defendants knew or recklessly disregarded, but failed to disclose, the material risk that the Chinese government would shut down radio and television advertisement of such services, thereby preventing effective promotion of SINA's primary revenue generator. Defendants also knew or recklessly disregarded, but failed to disclose, that recent changes to the billing process, instituted by China Mobile Communications Corp., would have a materially adverse effect on the Company's financial performance. During a conference call for analysts on February 7, 2004, defendant Charles Chao claimed that defendants were "really caught off guard" by the advertising ban, and that they found out about the ban "indirectly." The unusual trading of Company insiders suggests otherwise: as detailed herein, during the four months preceding the announcement of the advertising ban, insiders sold SINA shares at artificially inflated prices for proceeds in excess of \$31 million.

JURISDICTION AND VENUE

5. The claims asserted herein arise under and pursuant to Sections 10(b) and 20(a) of the Exchange Act, (15 U.S.C. §§ 78j(b) and 78t(a)), and Rule 10b-5 promulgated thereunder (17 C.F.R. § 240.10b-5).

6. This Court has jurisdiction over the subject matter of this action pursuant to § 27 of the Exchange Act (15 U.S.C. § 78aa) and 28 U.S.C. § 1331.

7. Venue is proper in this Judicial District pursuant to § 27 of the Exchange Act, 15 U.S.C. § 78aa and 28 U.S.C. § 1391(b). SINA is a Cayman Islands corporation. Pursuant to 28 U.S.C. § 1391(d), as an alien corporation, SINA may properly be sued in any District in the United States, including the Southern District of New York. Moreover, SINA trades common

stock on the NASDAQ, which is located in the Southern District of New York. Thus, venue is proper in this District.

8. In connection with the acts, conduct and other wrongs alleged in this complaint, defendants, directly or indirectly, used the means and instrumentalities of interstate commerce, including, but not limited to, the United States mails, interstate telephone communications and the facilities of the national securities exchange.

PARTIES

9. Plaintiff, Alexander O’Riordan, as set forth in the accompanying certification, incorporated by reference herein, purchased SINA common stock at artificially inflated prices during the Class Period and has been damaged thereby.

10. Defendant SINA is a Cayman Islands corporation headquartered 1468 Nan Jing Road West, Shanghai 200040, China.

11. Defendant Wang Yan (“Yan”) was, at all relevant times, the Company’s President and Chief Executive Officer.

12. Defendant Charles Guowei Chao (“Chao”) was, at all relevant times, the Company’s Chief Financial Officer and Co-Chief Operating Officer.

13. Defendants Yan and Chao are collectively referred to hereinafter as the “Individual Defendants.” The Individual Defendants, because of their positions with the Company, possessed the power and authority to control the contents of SINA’s quarterly reports, press releases and presentations to securities analysts, money and portfolio managers and institutional investors, *i.e.*, the market. Each defendant was provided with copies of the Company’s reports and press releases alleged herein to be misleading prior to or shortly after their issuance and had the ability and opportunity to prevent their issuance or cause them to be corrected. Because of their positions and access to material non-public information available to

them but not to the public, each of these defendants knew that the adverse facts specified herein had not been disclosed to and were being concealed from the public and that the positive representations which were being made were then materially false and misleading. The Individual Defendants are liable for the false statements pleaded herein, as those statements were each “group-published” information, the result of the collective actions of the Individual Defendants.

PLAINTIFF’S CLASS ACTION ALLEGATIONS

14. Plaintiff brings this action as a class action pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3) on behalf of a Class, consisting of all those who purchased or otherwise acquired the common stock of SINA between October 26, 2004, and February 7, 2005, inclusive (the “Class Period”) and who were damaged thereby. Excluded from the Class are defendants, the officers and directors of the Company, at all relevant times, members of their immediate families and their legal representatives, heirs, successors or assigns and any entity in which defendants have or had a controlling interest.

15. The members of the Class are so numerous that joinder of all members is impracticable. As of March 9, 2004, the Company had in excess of 50 million common shares outstanding and actively traded on the NASDAQ. While the exact number of Class members is unknown to Plaintiff at this time and can only be ascertained through appropriate discovery, Plaintiff believes that there are hundreds or thousands of members in the proposed Class. Record owners and other members of the Class may be identified from records maintained by SINA or its transfer agent and may be notified of the pendency of this action by mail, using the form of notice similar to that customarily used in securities class actions.

16. Plaintiff's claims are typical of the claims of the members of the Class as all members of the Class are similarly affected by defendants' wrongful conduct in violation of federal law that is complained of herein.

17. Plaintiff will fairly and adequately protect the interests of the members of the Class and has retained counsel competent and experienced in class and securities litigation.

18. Common questions of law and fact exist as to all members of the Class and predominate over any questions solely affecting individual members of the Class. Among the questions of law and fact common to the Class are:

(a) whether the federal securities laws were violated by defendants' acts as alleged herein;

(b) whether statements made by defendants to the investing public during the Class Period misrepresented material facts about the business, operations and management of SINA; and

(c) to what extent the members of the Class have sustained damages and the proper measure of damages.

19. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy since joinder of all members is impracticable. Furthermore, as the damages suffered by individual Class members may be relatively small, the expense and burden of individual litigation make it impossible for members of the Class to individually redress the wrongs done to them. There will be no difficulty in the management of this action as a class action.

**MATERIALLY FALSE AND MISLEADING
STATEMENTS ISSUED DURING THE CLASS PERIOD**

20. The Class Period starts on October 26, 2004. On that date, defendants issued a press release under the headline “SINA Reports Third Quarter 2004 Financial Results” which stated, in relevant part, as follows:

SINA Corporation (Nasdaq: SINA), a leading online media company and value-added information service provider for China and for global Chinese communities, today announced its financial results for the third quarter ended September 30, 2004:

* Net revenues for the quarter grew by 64.5% year-over-year to a record \$52.5 million, beating the Company’s guidance of between \$49.0 million and \$50.0 million.

* Advertising revenues for the quarter grew by 61.8% year-over-year to \$18.5 million and accounted for 35.2% of total revenues.

* Non-advertising revenues for the quarter grew by 66.0% year-over-year to \$34.0 million and accounted for 64.8% of total revenues.

* US GAAP net income for the quarter was \$14.5 million; or \$0.27 diluted net income per share, compared to a net income of \$11.7 million, or \$0.21 diluted net income per share for the same period in 2003.

* Pro forma net income for the quarter was \$17.4 million, or \$0.32 diluted net income per share, compared to a pro forma net income of \$12.3 million, or \$0.21 diluted net income per share for the same period in 2003.

“We are extremely happy with our financial performance for the third quarter,” said Wang Yan, CEO of SINA. ***“Our better than expected results in a very tough market and regulatory environment further demonstrated SINA’s execution capability.”***

For the third quarter, SINA continued to benefit from its diversified product offerings in mobile value-added service. Revenues from 2.5G (MMS and WAP) products, IVR and other new services grew approximately 37.0% from \$5.1 million or 16.3% of total mobile value-added service revenues for the second quarter to \$7.0 million or 22.2% of total mobile value-added service revenues for the third quarter. [. . .]

Acquisition

In July 2004, SINA announced its agreement to acquire Davidhill Capital Inc. and its UC instant messaging technology platform. Launched in 2002, the UC instant messaging service allows users to communicate in real-time over the Internet and mobile phone networks, via text messages, images and voice. UC also provides community services such as chat rooms, online games, alumni clubs, online karaoke and other entertainment services. Based on a highly scalable technology platform, the UC instant messaging service has approximately 80 million registered user accounts and approximately 200,000 peak simultaneous online user accounts. [. . .]

Business Outlook

The Company estimates that its total revenues for Q4 2004 to be between \$54.5 million and \$55.5 million, with advertising revenues between \$18.5 million and \$19.0 million and non-advertising revenues between \$36.0 million and \$36.5 million. Pro forma net income is expected to be between \$18.5 million and \$19.0 million for Q4 2004.
[Emphasis added.]

21. The statements contained in ¶20 were materially false and misleading when made because defendants knew or recklessly disregarded, but failed to disclose, the following:

(a) The Company's financial performance and growth prospects were dependent upon revenue and earnings derived from fortune-telling services;

(b) There was a material risk that the Chinese government would shut down radio and television of fortune-telling services, thereby preventing effective promotion of one of SINA's primary revenue generators;

(c) China Mobile Communication Corp.'s recent change in its billing process for multimedia messaging services SINA provides to China Mobile subscribers was having a materially negative effect on the Company's financial performance and prospects; and

(d) as a result of the above, defendants' positive statements about the growth and prospects of SINA were lacking in any reasonable basis when made.

The Truth Begins to Emerge

22. On February 7, 2005, after the markets had closed, SINA issued a news release in which it disclosed that the Chinese government had banned television and radio advertisements for horoscope-style messages and that this ban, along with changes in billing systems, would result in a sequential decline in revenues of up to 24% to \$43 million to \$49 million from \$56.9 million the previous quarter. On this news, SINA shares fell 21.7% to \$21.43 in after-hours trading from their closing price of \$27.35. On February 8, 2005, MarketWatch published an article under the headline "SINA's Fortune-Telling Misfortunes," which discussed SINA's failure to disclose that it derived substantial revenue from horoscope services. The article stated, in relevant part, as follows:

SAN FRANCISCO (MarketWatch) - Next thing you know China's going to ban fortune cookies, and the advertising related to them. If that's the case, better to know if you're invested in a company selling them. That's the lesson that Sina (SINA: news, chart, profile) shareholders are learning today, after discovering that the leading portal in China was increasingly relying on services related to fortune-telling, like horoscopes and astrology.

Shares of Sina fell 11 percent at \$24.01. Heretofore, Sina - which makes money when mobile users access content - referred to such services in an ambiguous way by calling them "usage-based" or "value-added." It was a business that grew 56 percent in the fourth quarter, faster than the 49-percent increase in overall sales. Moreover, the mobile services accounted for 63 percent of the \$56.9 million in total sales in that period.

The problem was that no one really asked what "usage based" meant.

James Mitchell, an analyst at Goldman Sachs, conceded in a note to his clients that he didn't know that "fortune telling" made up nearly one-third of Sina's value-added services.

This lack of knowledge about Sina "should be seen as a failure of research on our part," he said.

Indeed, even Mitchell intimates that if he'd known that fortune-telling services were driving Sina's business, he wouldn't have been so optimistic, given that that type of business isn't exactly a service that can give Sina a sustainable competitive advantage over other portals.

This discovery of Sina's business came about late Monday, after Sina warned that the Chinese government clamped down on "fortune telling" advertising.

Unfortunately for Sina, it was the advertising on radio and TV that helped the company attract customers who wanted to get mobile-phone text messages about astrology and horoscopes.

In fact, so popular was Sina's fortune-telling services, like horoscopes, that they accounted for 30 percent of Sina's wireless sales and 20 percent of its total revenue of \$56.9 million.

But that'll change. Sina warned investors late Monday that sales from its wireless "value-added" services - a business that comprises two-thirds of its overall business -- would tumble between 20 and 30 percent from the fourth quarter.

UNDISCLOSED ADVERSE FACTS

23. The market for SINA's common stock was open, well-developed and efficient at all relevant times. As a result of these materially false and misleading statements and failures to disclose, SINA's common stock traded at artificially inflated prices during the Class Period. Plaintiffs and other members of the Class purchased or otherwise acquired SINA's common stock relying upon the integrity of the market price of SINA's common stock and market information relating to SINA, and have been damaged thereby.

24. During the Class Period, defendants materially misled the investing public, thereby inflating the price of SINA's common stock, by publicly issuing false and misleading statements and omitting to disclose material facts necessary to make defendants' statements, as set forth herein, not false and misleading. Said statements and omissions were materially false

and misleading in that they failed to disclose material adverse information and misrepresented the truth about the Company, its business and operations, as alleged herein.

25. At all relevant times, the material misrepresentations and omissions particularized in this Complaint directly or proximately caused or were a substantial contributing cause of the damages sustained by Plaintiff and other members of the Class. As described herein, during the Class Period, defendants made or caused to be made a series of materially false or misleading statements about SINA's business, prospects and operations. These material misstatements and omissions had the cause and effect of creating in the market an unrealistically positive assessment of SINA and its business, prospects and operations, thus causing the Company's common stock to be overvalued and artificially inflated at all relevant times. Defendants' materially false and misleading statements during the Class Period resulted in Plaintiff and other members of the Class purchasing the Company's common stock at artificially inflated prices, thus causing the damages complained of herein.

ADDITIONAL SCIENTER ALLEGATIONS

26. As alleged herein, defendants acted with scienter in that defendants knew that the public documents and statements issued or disseminated in the name of the Company were materially false and misleading; knew that such statements or documents would be issued or disseminated to the investing public; and knowingly and substantially participated or acquiesced in the issuance or dissemination of such statements or documents as primary violations of the federal securities laws. As set forth elsewhere herein in detail, defendants, by virtue of their receipt of information reflecting the true facts regarding SINA, their control over, and/or receipt and/or modification of SINA's allegedly materially misleading misstatements, and/or their associations with the Company which made them privy to confidential proprietary information concerning SINA, participated in the fraudulent scheme alleged herein.

27. Defendants knew and/or recklessly disregarded the falsity and misleading nature of the information which they caused to be disseminated to the investing public. The ongoing fraudulent scheme described in this complaint could not have been perpetrated over a substantial period of time, as has occurred, without the knowledge and complicity of the personnel at the highest level of the Company, including the Individual Defendants.

28. Additionally, Company insiders were able to dispose of 909,433 shares for proceeds totaling \$31,947,670.58, as evidenced by the chart below:

| NAME | DATE OF SALE | SHARES/PRICE | PROCEEDS |
|--------------------|--|---|---|
| Yan Wang | 10/29/2004 11/19/2004 | 1000,000 @ \$33.0003 54,000 @ \$37.0000 Total Shares Sold: 154,000 | \$3,300,300.00 \$1,998,000.00 Total Proceeds: \$5,298,300.00 |
| Benjamin S. Tsiang | 10/29/2004 | 25,000 @ \$33.158 Total Shares Sold: 25,000 | \$828,950.00 Total Proceeds: \$828,950.00 |
| Hurst Lin | 10/29/2004 11/22/2004 | 120,000 @ \$33.267 95,833 @ \$35.739 Total Shares Sold: 215,833 | \$3,992,040.00 \$3,424,975.587 Total Proceeds: \$7,417,015.587 |
| Charles Chao | 10/29/2004 11/19/2004 | 100,000 @ \$33.424 55,000 @ \$37.026 Total Shares Sold: 155,000 | \$3,342,400.00 \$2,036,430.00 Total Proceeds: \$5,378,830.00 |
| Daniel Chiang | 11/03/2004 11/04/2004 11/08/2004 | 113,000 @ \$34.535 20,000 @ \$34.549 67,000 @ \$34.655 Total Shares Sold: 200,000 | \$3,902,455.00 \$690,980.00 \$2,321,885.00 Total Proceeds: \$6,915,320.00 |
| Ter Fung Tsao | 11/17/2004 11/28/2004 | 50,000 @ \$38.935 60,000 @ \$37.541 Total Shares Sold: 110,000 | \$1,946,750.00 \$2,252,460.00 Total Proceeds: \$4,199,210.00 |
| Li Cheng Chang | 11/17/2004 12/01/2004 | 22,600 @ \$38.270 27,000 @ \$38.709 Total Shares Sold: 49,600 | \$864,902.00 \$1,045,143.00 Total Proceeds: \$1,910,045.00 |
| | | Total Shares Sold by Insiders: 909,433 | Total Proceeds from Insider Sales: \$31,947,670.587 |

(Emphasis added.)

**Applicability Of Presumption Of Reliance:
Fraud-On-The-Market Doctrine**

29. At all relevant times, the market for SINA's common stock was an efficient market for the following reasons, among others:

- (a) SINA's stock met the requirements for listing, and was listed and actively traded on the NASDAQ, a highly efficient and automated market;
- (b) As a regulated issuer, SINA filed periodic public reports with the SEC and the NASDAQ;
- (c) SINA regularly communicated with public investors via established market communication mechanisms, including through regular disseminations of press releases on the national circuits of major news wire services and through other wide-ranging public disclosures, such as communications with the financial press and other similar reporting services; and
- (d) SINA was followed by several securities analysts employed by major brokerage firms who wrote reports which were distributed to the sales force and certain customers of their respective brokerage firms. Each of these reports was publicly available and entered the public marketplace.

30. As a result of the foregoing, the market for SINA's common stock promptly digested current information regarding SINA from all publicly available sources and reflected such information in SINA's stock price. Under these circumstances, all purchasers of SINA's common stock during the Class Period suffered similar injury through their purchase of SINA's common stock at artificially inflated prices and a presumption of reliance applies.

NO SAFE HARBOR

31. The statutory safe harbor provided for forward-looking statements under certain circumstances does not apply to any of the allegedly false statements pleaded in this complaint. Many of the specific statements pleaded herein were not identified as “forward-looking statements” when made. To the extent there were any forward-looking statements, there were no meaningful cautionary statements identifying important factors that could cause actual results to differ materially from those in the purportedly forward-looking statements. Alternatively, to the extent that the statutory safe harbor does apply to any forward-looking statements pleaded herein, defendants are liable for those false forward-looking statements because at the time each of those forward-looking statements was made, the particular speaker knew that the particular forward-looking statement was false, and/or the forward-looking statement was authorized and/or approved by an executive officer of SINA who knew that those statements were false when made.

FIRST CLAIM

Violation Of Section 10(b) Of The Exchange Act And Rule 10b-5 Promulgated Thereunder Against All Defendants

32. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

33. During the Class Period, defendants carried out a plan, scheme and course of conduct which was intended to and, throughout the Class Period, did: (i) deceive the investing public, including Plaintiff and other Class members, as alleged herein; and (ii) cause Plaintiff and other members of the Class to purchase SINA’s common stock at artificially inflated prices. In furtherance of this unlawful scheme, plan and course of conduct, defendants, and each of them, took the actions set forth herein.

34. Defendants (a) employed devices, schemes, and artifices to defraud; (b) made untrue statements of material fact and/or omitted to state material facts necessary to make the statements not misleading; and (c) engaged in acts, practices, and a course of business which operated as a fraud and deceit upon the purchasers of the Company's common stock in an effort to maintain artificially high market prices for SINA's common stock in violation of Section 10(b) of the Exchange Act and Rule 10b-5. All defendants are sued either as primary participants in the wrongful and illegal conduct charged herein or as controlling persons as alleged below.

35. Defendants, individually and in concert, directly and indirectly, by the use, means or instrumentalities of interstate commerce and/or of the mails, engaged and participated in a continuous course of conduct to conceal adverse material information about the business, operations and future prospects of SINA as specified herein.

36. These defendants employed devices, schemes, and artifices to defraud, while in possession of material adverse non-public information and engaged in acts, practices, and a course of conduct as alleged herein in an effort to assure investors of SINA's value and performance and continued substantial growth, which included the making of, or the participation in the making of, untrue statements of material facts and omitting to state material facts necessary in order to make the statements made about SINA's and its business operations and future prospects in the light of the circumstances under which they were made, not misleading, as set forth more particularly herein, and engaged in transactions, practices and a course of business which operated as a fraud and deceit upon the purchasers of SINA's common stock during the Class Period.

37. Each of the Individual Defendants' primary liability, and controlling person liability, arises from the following facts: (i) the Individual Defendants were high-level executives

and/or directors at the Company during the Class Period and members of the Company's management team or had control thereof; (ii) each of these defendants, by virtue of his responsibilities and activities as a senior officer and/or director of the Company was privy to and participated in the creation, development and reporting of the Company's internal budgets, plans, projections and/or reports; (iii) each of these defendants enjoyed significant personal contact and familiarity with the other defendants and was advised of and had access to other members of the Company's management team, internal reports and other data and information about the Company's finances, operations, and sales at all relevant times; and (iv) each of these defendants was aware of the Company's dissemination of information to the investing public which he or she knew or recklessly disregarded was materially false and misleading.

38. The defendants had actual knowledge of the misrepresentations and omissions of material facts set forth herein, or acted with reckless disregard for the truth in that they failed to ascertain and to disclose such facts, even though such facts were available to them. Such defendants' material misrepresentations and/or omissions were done knowingly or recklessly and for the purpose and effect of concealing SINA's operating condition and future business prospects from the investing public and supporting the artificially inflated price of its common stock. As demonstrated by defendants' overstatements and misstatements of the Company's business, operations and earnings throughout the Class Period, defendants, if they did not have actual knowledge of the misrepresentations and omissions alleged, were reckless in failing to obtain such knowledge by deliberately refraining from taking those steps necessary to discover whether those statements were false or misleading.

39. As a result of the dissemination of the materially false and misleading information and failure to disclose material facts, as set forth above, the market price of SINA's common

stock was artificially inflated during the Class Period. In ignorance of the fact that market prices of SINA's publicly-traded common stock were artificially inflated, and relying directly or indirectly on the false and misleading statements made by defendants, or upon the integrity of the market in which the common stock trades, and/or on the absence of material adverse information that was known to or recklessly disregarded by defendants but not disclosed in public statements by defendants during the Class Period, Plaintiff and the other members of the Class acquired SINA's common stock during the Class Period at artificially high prices and were damaged thereby.

40. At the time of said misrepresentations and omissions, Plaintiff and other members of the Class were ignorant of their falsity, and believed them to be true. Had Plaintiff and the other members of the Class and the marketplace known the truth regarding the problems that SINA was experiencing, which were not disclosed by defendants, Plaintiff and other members of the Class would not have purchased or otherwise acquired their SINA common stock, or, if they had acquired such common stock during the Class Period, they would not have done so at the artificially inflated prices which they paid.

41. By virtue of the foregoing, defendants have violated Section 10(b) of the Exchange Act, and Rule 10b-5 promulgated thereunder.

42. As a direct and proximate result of defendants' wrongful conduct, Plaintiff and the other members of the Class suffered damages in connection with their respective purchases and sales of the Company's common stock during the Class Period.

SECOND CLAIM
Violation Of Section 20(a) Of
The Exchange Act Against the Individual Defendants

43. Plaintiff repeats and realleges each and every allegation contained above as if fully set forth herein.

44. The Individual Defendants acted as controlling persons of SINA within the meaning of Section 20(a) of the Exchange Act as alleged herein. By virtue of their high-level positions, and their ownership and contractual rights, participation in and/or awareness of the Company's operations and/or intimate knowledge of the false financial statements filed by the Company with the SEC and disseminated to the investing public, the Individual Defendants had the power to influence and control and did influence and control, directly or indirectly, the decision-making of the Company, including the content and dissemination of the various statements which Plaintiffs contend are false and misleading. The Individual Defendants were provided with or had unlimited access to copies of the Company's reports, press releases, public filings and other statements alleged by Plaintiff to be misleading prior to and/or shortly after these statements were issued and had the ability to prevent the issuance of the statements or cause the statements to be corrected.

45. In particular, each of these defendants had direct and supervisory involvement in the day-to-day operations of the Company and, therefore, is presumed to have had the power to control or influence the particular transactions giving rise to the securities violations as alleged herein, and exercised the same.

46. As set forth above, SINA and the Individual Defendants each violated Section 10(b) and Rule 10b-5 by their acts and omissions as alleged in this Complaint. By virtue of their positions as controlling persons, the Individual Defendants are liable pursuant to Section 20(a) of

the Exchange Act. As a direct and proximate result of defendants' wrongful conduct, Plaintiff and other members of the Class suffered damages in connection with their purchases of the Company's common stock during the Class Period.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- (a) Determining that this action is a proper class action, designating Plaintiff as Lead Plaintiff and certifying Plaintiff as a class representative under Rule 23 of the Federal Rules of Civil Procedure and Plaintiffs counsel as Lead Counsel;
- (b) Awarding compensatory damages in favor of Plaintiff and the other Class members against all defendants, jointly and severally, for all damages sustained as a result of defendants' wrongdoing, in an amount to be proven at trial, including interest thereon;
- (c) Awarding Plaintiff and the Class their reasonable costs and expenses incurred in this action, including counsel fees and expert fees; and
- (d) Such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiff hereby demands a trial by jury.

DATED: February 18, 2005

**MILBERG WEISS BERSHAD
& SCHULMAN, LLP**

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