

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

LOUISIANA MUNICIPAL POLICE  
EMPLOYEES' RETIREMENT SYSTEM, on  
behalf of itself and all other similarly situated  
shareholders of Landry's Restaurants, Inc., and  
derivatively on behalf of nominal defendant  
Landry's Restaurants, Inc.,

Plaintiff,

v.

C.A. No. 4339-VCL

TILMAN J. FERTITTA, STEVEN L.  
SCHEINTHAL, KENNETH BRIMMER,  
MICHAEL S. CHADWICK, MICHAEL  
RICHMOND, JOE MAX TAYLOR,  
FERTITTA HOLDINGS, INC., FERTITTA  
ACQUISITION CO., RICHARD LIEM,  
FERTITTA GROUP, INC. and FERTITTA  
MERGER CO.

Defendants, and

LANDRY'S RESTAURANTS, INC.,

Nominal Defendant.

**DECLARATION OF MARY S. THOMAS  
IN SUPPORT OF CLASS PLAINTIFF'S MOTION FOR FINAL APPROVAL OF  
PROPOSED SETTLEMENTS, PLAN OF ALLOCATION, AND REQUESTED  
AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

I, MARY S. THOMAS, declare as follows:

1. I am a director of Grant & Eisenhofer P.A., co-counsel for Plaintiff and Court-appointed Class Representative Louisiana Municipal Police Employees' Retirement System in the above-captioned action (the "Action"). I submit this Declaration in Support of Class Plaintiff's Motion For Final Approval Of Proposed

Settlements, Plan Of Allocation, And Requested Award Of Attorneys' Fees And Reimbursement Of Expenses.

Attached are true and correct copies of the following documents:

- Exhibit A: New York Times article written by Andrew Sorkin, entitled *Next Deal From Hell Award Winner: Landry's*, dated January 13, 2009.
- Exhibit B: Landry's SEC Schedule 14A, Preliminary Proxy Statement, filed January 1, 2009
- Exhibit C: July 26, 2010 Scheduling Order With Respect To The Remaining Claims Settlement and Amendment To Scheduling Order Dated June 28, 2010.
- Exhibit D: Firm Resume for Grant & Eisenhofer.
- Exhibit E: New York Times article written by Steven Davidoff, entitled *Landry's: Still a Deal from Hell*, dated May 25, 2010.
- Exhibit F: Landry's Restaurant SEC Form 10-K/A, filed September 3, 2010.
- Exhibit G: Notice of Proposed Settlements of Shareholder Litigation, Settlement Fairness Hearing, and Applications for Attorneys' Fees and Reimbursement of Litigation Expenses.
- Exhibit H: Declaration of Mary S. Thomas in Support of Motion for An Award of Attorneys' Fees and Expenses dated September 17, 2010.
- Exhibit I: Affidavit of Mark Lebovitch in Support of Motion for An Award of Attorneys' Fees and Expenses dated September 17, 2010.
- Exhibit J: Affidavit of Mark Lebovitch Regarding Litigation Fund dated September 17, 2010.

2. As of today's date, no objections have been filed to the Settlements.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Dated: September 17, 2010

/s/ Mary S. Thomas  
Mary S. Thomas (Del. I.D. No. 5072)  
GRANT & EISENHOFER P.A.  
1201 North Market Street  
Wilmington, DE 19801  
Tel.: (302) 622-7000  
Fax: (302) 622-7100