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15 *Settlement Class Counsel for the Settlement Class*

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
18 **EASTERN DIVISION**

19 VALERIA MERCADO and ANDREA
20 KRISTYANNE HOLMES, individually
21 and on behalf of all others similarly
22 situated,

23 Plaintiffs,

24 v.

25 VOLKSWAGEN GROUP OF
26 AMERICA, INC. d/b/a/ AUDI OF
27 AMERICA, INC.,

28 Defendants.

Case No. 5:18-cv-02388-JWH-SP

**DECLARATION OF THEODORE
W. MAYA IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND
EXPENSES AND FOR SERVICE
AWARDS**

Hon. John W. Holcomb, presiding

Date: June 10, 2022

Time: 9:00 A.M.

Location: Courtroom 2

DECLARATION OF THEODORE W. MAYA

I, Theodore W. Maya, declare as follows, based on my own personal knowledge, and where indicated as based on information and belief, that the following statements are true:

1. I am a partner of the law firm Ahdoot & Wolfson, PC (“AW”), and a member in good standing of the bar of the State of California. I respectfully submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees and Expenses and for Service Awards.¹

2. The principal attorneys working on this matter at AW have included my partners Robert Ahdoot, Henry Kelston, and Bradley K. King, former AW senior associate Alex R. Straus, AW associate Deborah De Villa, former AW associate Ruhandy Glezakos, and me.

3. AW’s Co-Class Counsel in this action is the law firm Milberg Coleman Bryson Phillips Grossman, PLLC (“Milberg”).

4. AW has vigorously and zealously represented the interests of the Settlement Class from the inception of this hard-fought litigation until the present.

5. Throughout this action, AW has attempted to reach consensus with co-Class Counsel to manage the administration and work division in this case in a systematic and efficient manner, coordinate work assignments, avoid duplication of efforts or unnecessary work undertaken, and ensure that the skills and talents of counsel were put to use in an efficient and effective manner that maximized what each firm and attorney could contribute in a non-redundant way.

6. As explained herein, my partners at AW and I believe the Settlement to be fair, reasonable, and adequate, and in the best interests of the Settlement Class.

¹ Unless otherwise defined herein, capitalized words and phrases shall have the same meaning as in the Definitions section (Section I) of the Settlement Agreement (“Settlement Agreement,” “Settlement,” or “SA”) filed in this Action. (ECF 152-1.)

1 7. The attorneys at AW have expended considerable efforts on behalf of
2 Plaintiffs, and vigorously litigated this case from its inception, through an onslaught of
3 impediments, facing and overcoming every obstacle plaintiffs could face prior to trial in
4 a class action.

5 **HISTORY OF THE LITIGATION AND AW’S EFFORTS**

6 8. Plaintiffs in this Action allege that certain 2017 and 2018 Audi Q7 vehicles
7 imported and distributed by Defendant Volkswagen Group of America, Inc. d/b/a Audi of
8 America, Inc. (“VWGoA” or “Defendant”) in the United States and Puerto Rico
9 (“Settlement Class Vehicles”) are equipped with defective front brakes that may emit a
10 loud, high-pitched, squealing noise when the brakes are applied.

11 9. On November 9, 2018, Plaintiff Valeria Mercado filed the initial complaint
12 in this Action against Defendant asserting claims alleging front brake noise in certain Audi
13 Q7 vehicles. (ECF 1.) The original complaint set forth claims for: (1) violation of the
14 Consumer Legal Remedies Act, California Civil Code § 1750, *et seq.* (“CLRA”); (2)
15 violation of the California Unfair Competition Law, California Business & Professions
16 Code § 17200, *et seq.* (“UCL”); (3) negligence; (4) product liability – design defect; (5)
17 violation of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301, *et seq.*; (6) Violation of
18 the Song-Beverly Consumer Warranty Act, California Civil Code § 1790, *et seq.* (“Song-
19 Beverly Act”); and (7) violations of other states’ statutes prohibiting unfair and deceptive
20 acts and practices. (ECF 1.)

21 10. Defendant filed a motion to dismiss (ECF 15) and, after the parties met and
22 conferred, they filed a stipulation which the Court entered (ECF 42, 48), allowing Plaintiff
23 Mercado to file a First Amended Complaint (“FAC”). Plaintiff Mercado filed the FAC,
24 which added another plaintiff (Jacob Whitehead) and made other changes, including the
25 addition of several Technical Service Bulletins (“TSBs”) concerning the subject vehicle
26 brakes, as exhibits. (ECF 53.) Defendant moved to dismiss the FAC (ECF 54) and,
27 pursuant to another stipulated order entered by the Court, Plaintiff filed a Second
28

1 Amended Complaint (SAC), which replaced Mr. Whitehead with Plaintiff Holmes, and
2 included other changes. (ECF 79.)

3 11. Defendant moved to dismiss the SAC, and Plaintiffs opposed. (ECF 81-85,
4 86-87.) The Court heard oral argument on that motion, after which it entered an order
5 granting in part and denying in part Defendant’s motion. (ECF 90, 97.) Plaintiffs then filed
6 a Third Amended Complaint, which dropped the product liability claim and included
7 various other changes responding to the Court’s order. (ECF 98.) Defendant filed another
8 motion to dismiss (ECF 100), which Plaintiffs opposed (ECF 106), and the Court entered
9 another order granting in part and denying in part that motion (ECF 113).

10 12. On May 29, 2020, Plaintiffs filed a Fourth Amended Class Action Complaint
11 (“4AC”). (ECF 114.) Informed by the Court’s prior orders, Defendant filed a motion for
12 *partial* dismissal of the 4AC. (ECF 115.) Plaintiffs filed a Statement of Non-Opposition,
13 explaining that, after such partial dismissal, and in accordance with the Court’s prior
14 rulings, (a) Plaintiff Holmes’ claims for violations of the CLRA and UCL, based on
15 unlawful conduct, unfair conduct, and failure to disclose; and (b) Plaintiff Mercado’s
16 claims for violations of the Song-Beverly Act, survived. (ECF 119.) The case then was
17 transferred from Judge John A. Kronstadt to Judge John W. Holcomb. (ECF 120.)

18 13. The parties entered into settlement negotiations after Defendant filed its
19 motion to dismiss the 4AC.

20 14. Settlement negotiations occurred only after extensive investigation by
21 Plaintiffs’ Counsel, after the exchange of initial disclosures, written discovery, production
22 of documents and a comprehensive review of those documents, and after a thorough
23 review and examination of the facts and law relating to the matters in the Action.

24 15. In or around October 2020, the Parties reached certain partial tentative
25 agreements that served to begin the mediation process. On November 9, 2020, following
26 extensive preliminary negotiations, the Parties participated in a full day mediation session
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28

1 under the supervision of an experienced, professional third-party neutral mediator at
2 JAMS.

3 16. In December 2020, the Court entered an order granting Defendant’s motion
4 for partial dismissal of the 4AC, dismissing Plaintiff Holmes’ CLRA and UCL claims,
5 and both plaintiffs’ MMWA claims, with prejudice. (ECF 133.)

6 17. Thereafter, the Parties engaged in arms’-length negotiations through many
7 telephonic discussions, participated in a follow-up session with the mediator on December
8 11, 2020, and ultimately agreed on the principal terms of the proposed Settlement.

9 18. This Action was intensely litigated before the Settlement was reached.
10 Ultimately, Defendant disclosed substantial evidence under the mediation privilege, and
11 thus the extent of discovery completed is more extensive than the stage of proceedings
12 alone might suggest.

13 19. The parties stipulated to Plaintiffs’ filing of a Fifth Amended Complaint
14 (“5AC”), and the Court allowed that filing. (ECF 144-45.) The 5AC continues to include
15 those claims that Defendant’s motion for partial dismissal as to the 4AC did not challenge:
16 Plaintiff Holmes’ CLRA and UCL claims and Plaintiff Mercado’s Song-Beverly Act
17 claim; as well as a claim for breach of implied warranties. (ECF 147.) The 5AC alleges
18 that Defendant designed, manufactured, warranted, distributed, imported, marketed,
19 advertised, serviced, sold and leased Class Vehicles which contain one or more defects
20 manifesting as a loud, high-pitched squealing noise when the brakes are applied during
21 ordinary and intended use. (5AC ¶¶ 4-7, 61.)

22 20. Plaintiffs allege that Defendant knew or should have known that the Class
23 Vehicles are defective, and that Defendant has “long known” about the brake noise
24 through reports from dealerships, pre-release testing data, warranty data, customer
25 complaint data, and replacement part sales data and that Defendant failed to disclose this
26 defect. (*Id.* ¶¶ 67, 72-76.)

1 21. The Parties engaged in additional and extensive months-long negotiations,
2 through many telephone discussions, to finalize and memorialize all aspects of the
3 Settlement Agreement, including each of its exhibits.

4 22. The Parties negotiated the attorneys' fees Service Awards only after reaching
5 an agreement upon the relief provided to the Settlement Class, under the supervision of
6 Bradley Winters, an experienced neutral third-party neutral mediator with JAMS. The
7 Parties agreed that Class Counsel may apply for an award of reasonable attorneys' fees,
8 inclusive of costs and expenses, not to exceed \$1,960,000.00, that Class Counsel will not
9 seek or accept any such award in excess of that combined total amount, and that such
10 fees/expenses awarded by the Court shall be paid by Defendant separate and apart from
11 any relief provided to the Settlement Class.

12 23. After a review of well-known national settlement administration companies,
13 the Parties engaged Angeion Group to advise regarding the mechanics of the Settlement,
14 the notice process, and to administer the Settlement.

15 24. The Settlement and its exhibits, the Notice Plan and each document
16 comprising the Class Notice were extensively negotiated and exhaustively refined to make
17 them easy to read, understand and fully informative. In addition, Angeion provided
18 meaningful input on all of the notice documents, so as to ensure these materials are
19 comprehensive and easy to read and understand by Settlement Class Members, and that
20 they fully comply with due process, CAFA, and all requirements of Rule 23.

21 **AW'S HOURS AND LODESTAR**

22 25. AW expended 697.8 hours in this litigation through March 30, 2022, for a
23 lodestar of \$530,390.

24 26. AW's representation of the Class was on a wholly contingent basis. The Firm
25 devoted substantial resources to this matter, and we have received no payment for any of
26 the hours of services performed or the out-of-pocket costs and expenses that AW
27 committed to the litigation of this case. We did this with no guarantee of repayment.
28

1 Moreover, AW was required to forego other financial opportunities to litigate this case.
2 AW thus took this case with the expectation that the firm would receive a risk
3 enhancement in the event we prevailed.

4 27. All AW attorneys and legal staff who worked on this case maintained
5 contemporaneous time records reflecting the time spent on all billable matters. In all
6 instances, the AW timekeeper indicated the date and amount of time spent on a task to the
7 tenth of an hour, described the work that was performed during the indicated time period,
8 and identified the case to which the time should be billed. AW’s contemporaneous time
9 records can be made available to the Court for *in camera* review upon request.

10 28. AW made every effort to litigate this matter efficiently by coordinating the
11 work of AW’s attorneys and paralegals, minimizing duplication, and assigning tasks in a
12 time and cost-efficient manner, based on the timekeepers’ experience levels and talents.

13 29. AW’s fee records accurately reflect work actually, reasonably, and
14 necessarily performed in connection with the litigation of this matter. I believe that the
15 hours spent reflect time spent reasonably litigating this case, which I have sought to
16 manage and staff efficiently as described above.

17 30. A summary of rates and hours expended by AW’s professionals, as of March
18 30, 2022, is set forth as follows:

Professional	Title	Rate	Hours	Billable Fees
Robert Ahdoot	Partner	\$950	134.5	\$127,775.00
Theodore Maya	Partner	\$900	198.7	\$178,830.00
Henry Kelston	Partner	\$900	16.5	\$14,850.00
Bradley King	Partner	\$750	64.2	\$48,150.00
Alex Straus	Senior Associate	\$750	120.6	\$90,450.00
Deborah De Villa	Senior Associate	\$600	64.2	\$38,520.00
Ruhandy Glezakos	Associate	\$500	29.2	\$14,600.00
Windy Loritsch	Paralegal	\$250	30.0	\$7,500.00
Jessielle Fabian	Paralegal	\$250	37.3	\$9,325.00
Catherine Santos	Legal Assistant	\$150	2.6	\$390.00
TOTALS:			697.8	\$530,390.00

1 31. Since November 2021, when Preliminary Approval was entered, AW has
2 devoted significant additional hours of time to, among other things, preparing and
3 finalizing the Motion for Final Approval of Class Action Settlement, and all supporting
4 declarations and exhibits thereto, coordinating with the Settlement Administrator about
5 the Notice Plan and implementing the Settlement, and responding to Class Member
6 inquiries.

7 32. AW continued to work with the Settlement Administrator to supervise
8 dissemination of Notice to Class Members, which commenced on February 11, 2022.
9 These efforts included review and drafting of the language and format of the Settlement
10 Website, the script for the automated response to the toll-free number, the language and
11 format of the Settlement Class Notice forms, monitoring for exclusion requests and
12 objections, and ensuring prompt response to each and every Class Member inquiry
13 regarding the Settlement. Following the dissemination of Notice, AW has spent
14 significant time responding to individual Class Member inquiries about the Settlement,
15 and monitoring the Claims process.

16 33. I expect AW to maintain a high level of oversight and involvement in this
17 case, and will continue to expend significant attorney time given the future work still
18 needed for completion of the Settlement, including: preparing for and attending the final
19 approval hearing, responding to Class Member inquiries or challenges, responding to any
20 requests for exclusion or objections, addressing any appeals, and working with Defendant
21 and the Settlement Administrator on the distribution of benefits to the Settlement Class.

22 34. Therefore, I anticipate incurring significant additional lodestar in the future.

23 **AW’S REASONABLE EXPENSES**

24 35. To date, AW has incurred \$10,797.75 of these expenses, as follows:

Description	Amount
Attorney Service Fees	\$279.30
Electronic Research Fees	\$63.90

Expert Fees	\$5,000.00
Filing Fees	\$1,200.00
Mediation Fees	\$4,082.50
Postage	\$16.53
Printing & Reproduction	81.90
Travel & Parking	\$73.62
Total	\$10,797.75

36. These costs include court fees, mediation fees, electronic research fees, attorney service fees, electronic document storage and expert fees, postage, duplication costs, travel, and other related costs. Each of these costs and expenses are fully documented, and in my opinion, necessary and reasonable. Documents supporting these expenses are available to the Court for *in camera* review upon request. These expenses do not include internal and other additional costs that AW incurred in this litigation but, in an exercise of discretion, do not seek to recover (e.g., telephone charges, Westlaw monthly subscription fees, *etc.*). The electronic research fees listed above are not included or part of any monthly subscription for electronic research.

AHDOOT & WOLFSON, PC FIRM EXPERIENCE

37. At all times, AW had the experience and expertise to effectively litigate any all issues related to this litigation.

38. AW was founded in 1998 by Tina Wolfson and Robert Ahdoot. From its inception AW specialized in complex and class action litigation and public interest litigation. The firm’s resume is attached hereto as **Exhibit A**. For decades, the attorneys at AW have vigorously litigated against large corporations and public entities vindicating the rights of millions of consumers, employees, and taxpayers in protracted, complex litigation, to successful results. AW has represented plaintiffs in employment, consumer rights, environmental and taxpayer rights litigation. AW partners have been named “Super Lawyers” by their peers in recognition of the results achieved by their work. Since its

1 founding, AW has served as class counsel and in leadership positions in a wide range of
2 consumer protection class actions.

3 39. Tina Wolfson attended and graduated Harvard Law School *cum laude* in
4 1994. Ms. Wolfson began her civil litigation career at Morrison & Foerster, LLP, where
5 she defended major corporations in complex actions and represented indigent individuals
6 in immigration and deportation trials as part of the firm's *pro bono* practice. She then
7 gained further invaluable litigation and trial experience at a boutique firm, focusing on
8 representing plaintiffs on a contingency basis in civil rights and employee rights cases.
9 Ms. Wolfson frequently lectures on numerous topics related to class action litigation
10 across the country.

11 40. Robert Ahdoot attended and graduated Pepperdine Law School *cum laude* in
12 1994, where he served as Literary Editor of the Pepperdine Law Review. Mr. Ahdoot also
13 clerked for the Honorable Paul Flynn at the California Court of Appeals, and began his
14 career as a civil litigator at the Los Angeles office of Mendes & Mount, LLP, where he
15 defended large corporations and syndicates such as Lloyds of London in complex
16 environmental and construction-related litigation as well as a variety of other matters. Mr.
17 Ahdoot has also lectured on numerous topics related to class action litigation across the
18 country.

19 41. I am also a partner at AW and worked on this matter. I graduated from UCLA
20 Law School in 2002 after serving as Editor-in-Chief of the *UCLA Law Review*. From July
21 2003 to August 2004, I served as Law Clerk to the Honorable Gary Allen Feess in the
22 United States District Court for the Central District of California. I was also a litigation
23 associate in the Los Angeles offices of Kaye Scholer LLP for approximately eight years
24 where I worked on a large variety of complex commercial litigation from inception
25 through trial. I was named "Advocate of the Year" for 2007 by the Consumer Law Project
26 of Public Counsel for successful *pro bono* representation of a victim of a large-scale equity
27 fraud ring.
28

1 42. Henry Kelston is a partner at AW who worked on this matter. Mr. Kelston
2 graduated from New York University School of Law in 1978 and is a member of the New
3 York and Connecticut Bars. Mr. Kelston has litigated a broad array of class actions for
4 more than two decades, including actions challenging improperly charged bank fees,
5 unauthorized collection of biometric data, and unlawful no-poach agreements among
6 employers. He has been on the front lines in major data breach cases against companies
7 such as Yahoo! and Facebook, and has represented consumers in class actions challenging
8 food labeling practices, including the use of “natural” claims on products containing
9 GMOs. His work in *In re Conagra Foods, Inc.*, contributed to a groundbreaking decision
10 by the Ninth Circuit Court of Appeals, significantly strengthening the rights of consumers
11 to bring class actions. Mr. Kelston is also a frequent speaker and CLE presenter on
12 electronic discovery, and a member of The Sedona Conference Working Group 1 on
13 Electronic Document Retention and Production.

14 43. Bradley K. King is also a partner at AW who worked on this matter. Mr. King
15 graduated from Pepperdine University School of Law in 2010, where he served as
16 Associate Editor of the Pepperdine Law Review. He worked as a law clerk for the
17 California Office of the Attorney General, Correctional Law Section in Los Angeles and
18 was a certified law clerk for the Ventura County District Attorney’s Office. Mr. King
19 began his legal career at a boutique civil rights law firm, gaining litigation experience in
20 a wide variety of practice areas, including employment law, police misconduct, municipal
21 contract, criminal defense, and premises liability cases.

22 44. Deborah De Villa is a senior associate at AW who worked on this matter.
23 Ms. De Villa is a member of the State Bars of New York and California. At AW, Ms. De
24 Villa focuses on consumer protection and class actions. She graduated from Pepperdine
25 University School of Law in 2016, where she earned the CALI Excellence for the Future
26 Award in immigration law, business planning and commercial law. During law school,
27 Ms. De Villa completed internships at the Los Angeles District Attorney’s Office,
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1 Hardcore Gangs Unit, and at the Supreme Court of the Philippines, Office of the Court
2 Administrator. Born in the Philippines, Ms. De Villa moved to Florida at the age of sixteen
3 to attend IMG Golf Academy as a full-time student-athlete. Ms. De Villa earned a
4 scholarship to play NCAA Division 1 college golf at Texas Tech University, where she
5 graduated *magna cum laude* with a Bachelor of Arts in Psychology and a minor in Legal
6 Studies. Ms. De Villa has substantial experience litigating class actions with AW serving
7 in leadership roles.

8 45. Alex Straus was a senior associate at AW who worked on this matter. At
9 AW, Mr. Straus focused on consumer class actions. For the purposes of efficiency and
10 ease, AW has requested, and Milberg confirmed, that the hours Mr. Straus worked on this
11 matter and reported herein are not reflected in the Declaration of Alex R. Straus, filed
12 concurrently on behalf of the Milberg firm.

13 46. Ruhandy Glezakos was an associate at AW who worked on this matter. Mr.
14 Glezakos graduated from UCLA School of Law in 2015. During law school, Mr.
15 Glezakos worked for several non-profit organizations on behalf of low-wage workers and
16 undocumented communities. He also had the privilege of serving as a judicial extern for
17 the Honorable Harry Pregerson, Ninth Circuit Court of Appeals. He received his
18 undergraduate degree from the University of California, Los Angeles where he
19 graduated *cum laude*.

20 47. Since 1999, AW has been appointed lead counsel in numerous complex
21 consumer class actions. Many of these matters are set forth in AW's firm resume attached
22 hereto.

23 48. The following matters, however, are some more recent examples of class
24 actions that AW has litigated to conclusion or are currently litigating on behalf of clients
25 - either as class counsel, proposed class counsel or members of a Court appointed Plaintiff
26 Steering Committee:
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1 • *In re Zoom Video Communications, Inc. Privacy Litigation*, No. 5:20-
2 cv-02155-LHK (N.D. Cal.) (Hon. Lucy H. Koh), as co-Class Counsel AW achieved an
3 \$85 million cash settlement, that was preliminarily approved by Judge Koh on October
4 21, 2021. The Settlement provides monetary relief to Zoom users who submit a claim for
5 payment and comprehensive injunctive relief which addresses the privacy issues on which
6 Plaintiffs’ claims were based.

7 • *Alvarez v. Sirius XM Radio Inc.*, No. 2:18-cv-08605 (C.D. Cal.) (Hon.
8 James Selna) (Final Approval February 2021): AW achieved a nationwide class action
9 settlement conservatively valued at approximately \$420 million in this breach of contract
10 class action alleging that defendant did not honor its lifetime subscriptions. The settlement
11 extended the promised lifetime subscription for the lifetime of class members who have
12 active accounts, and provided the opportunity for class members with closed accounts to
13 reactivate their accounts and enjoy a true lifetime subscription or recover \$100. The
14 district court had granted the motion to compel arbitration on an individual basis, and AW
15 appealed. AW reached the final deal points of the nationwide class action settlement
16 literally minutes prior to oral argument in the Ninth Circuit.

17 • *Eck, et al. v. City of Los Angeles*, No. BC577028 (Los Angeles
18 Superior Court (“LASC”) (Final Approval February 2018): AW was appointed Co-Class
19 Counsel, and achieved a \$295 million settlement based on allegedly unlawful city tax
20 regulations regarding electrical power.

21 • *Lavinsky v. City of Los Angeles*, No. BC542245 (LASC) (Hon. Ann I.
22 Jones) (Final Approval October 2019): AW as lead Class Counsel, in a case challenging
23 the imposition of certain utility taxes on the use of natural gas, prevailed on summary
24 adjudication, certified a class, and achieved a \$91 million settlement (which included a
25 cash fund and direct tax savings for all future years where the City of Los Angeles will
26 charge the natural gas tax at issue in the litigation).

1 • *In re: Experian Data Breach Litig.*, No. 8:15-cv-01592-AG-DFM
2 (C.D. Cal.) (Final Approval May 2019): AW served as Co-Lead Counsel, in this MDL
3 Data Breach Class Action, for a Class of almost 16 million class members who were
4 victims of a data breach affecting T-Mobile applicants and customers whose personal data
5 was stored by Experian. Class action settlement conservatively valued at over \$150
6 million.

7 • *Pantelyat v. Bank of America, N.A.*, No. 1:16-cv-08964-AJN
8 (S.D.N.Y.) (Hon. Alison J. Nathan) (Final Approval January 2019): AW served as sole
9 class counsel for plaintiffs in a class action arising from allegedly improper overdraft fees
10 and achieved a \$22 million class settlement, representing approximately 80% of total
11 revenues gleaned by the bank’s alleged conduct.

12 • *Owens v. Bank of America, N.A.*, No. 1:19-cv-20614-MGC (S.D. FL)
13 (Hon. Marcia G. Cooke): AW served as co-lead counsel and achieved a \$4.95 million
14 settlement between Bank of America and account holders who claimed the Bank breached
15 its contract by assessing overdraft fees resulting from various non-recurring transactions.
16 Judge Cooke indicated that the Court would finally approve the Settlement matter at a
17 final approval hearing which took place on January 29, 2020. There were no objectors to
18 this Settlement.

19 • *Carter, et al. v. General Nutrition Centers, Inc. and GNC Holdings,*
20 *Inc.*, No. 2:16-cv-00633-MRH (W.D. Pa.) (Hon. Mark R. Hornak) (Final Approval
21 December 2019): AW achieved a \$6 million class settlement in a “false discount” class
22 action involving products for sale on the GNC website. In finally approving the settlement,
23 Judge Hornak noted the “simply superlative” materials prepared by counsel and
24 commended the “effectiveness and efficiency” with which counsel brought the case to
25 conclusion.

26 • *Kirby v. McAfee, Inc.*, No. 14-cv-02475-EJD (N.D. Cal.) (Hon.
27 Edward J. Davila) (Final Approval February 2017): Co-Class Counsel. Plaintiffs
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1 challenged defendant's auto renewal and false discount practices. Settlement made \$80
2 Million available to the class and included injunctive relief requiring McAfee to notify
3 customers at the point of every sale that the service will be auto-renewed at an
4 undiscounted subscription price. Further, the settlement required McAfee to change its
5 policy regarding the past product price it lists as a reference to any discount it's currently
6 offering. McAfee will now only list a past price that it has actually charged customers
7 within the past 45 days.

8 • *Berman v. General Motors, LLC*, No. 2:18-cv-14371 (S.D. Fla.) (Hon.
9 Robin L. Rosenberg) (Final Approval November 2019): AW served as co-lead counsel in
10 a class action rising from allegations of a vehicle defect causing excessive oil
11 consumption. The parties recently reached a settlement valued at approximately \$45
12 million.

13 • *Skeen v. BMW of North America, LLC*, No. 2:13-cv-01531-WHW-
14 CLW (D.N.J.) (Hon William H. Walls): AW secured an uncapped settlement fund for
15 warranty extension, reimbursement for repairs, and compensation for sale at a loss in a
16 class action arising from MINI Coopers with allegedly defective timing chain;

17 • *Boehm v. BMW of N. Am., LLC*, No. 2:17-cv-12827-MCA-LDW
18 (D.N.J.) (Hon. Madeline E. Cox Arleo): AW served as Class Counsel and achieved
19 uncapped settlement funds for warranty extension, reimbursement for repairs, and
20 compensation for sale at a loss in a class action arising from MINI Coopers with allegedly
21 defective high pressure fuel pump;

22 • *ZF-TRW Airbag Control Units Products Liability Litigation*, No. 2:19-
23 ml-02905-JAK-FFM (C.D. Cal.) (Hon. John A. Kronstadt): AW is serving on the
24 Plaintiffs' Executive Committee in a class action alleging a dangerous defect in car airbag
25 component units;

26 • *Clark v. American Honda Motor Co., Inc.*, No. 2:20-cv-03147-AB-
27 MRW (C.D. Cal.) (Hon. André Birotte Jr.): AW appointed co-lead counsel after contested
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1 leadership applications in a class action arising from unintended and uncontrolled
2 deceleration in certain Acura vehicles;

3 • *Rojas v. Am. Honda Motor Co., Inc.*, No. 2:19-cv-10136-DMG-FFM
4 (C.D. Cal.) (Hon. Dolly M. Gee): AW serves as plaintiffs’ counsel in class action against
5 Honda arising from an alleged defect in Civic models causing the vehicles to unexpectedly
6 and dangerously roll away when parked;

7 • *Miranda v. Am. Honda Motor Co., Inc.*, No. 20STCV03017 (Cal.
8 Super. Ct., Los Angeles Cty. (“LASC”)) (Hon. Maren E. Nelson): class action against
9 Honda arising from an alleged defect in Civic models causing the vehicles to unexpectedly
10 and dangerously roll away when parked;

11 • *Gjonbalaj v. Volkswagen Group of Am., Inc.*, No. 2:19-cv-7165-BMC
12 (E.D.N.Y.) (Hon. Brian M. Cogan): AW prosecuting claims in collaboration with other
13 plaintiff firms against Volkswagen for alleged leaking sunroofs;

14 • *MacTavish v. American Honda Motor, Co., Inc.*, No. 2:21-cv-04289-
15 GHW-JEM (C.D. Cal.) (Hon. George H. Wu): class action alleging certain Honda
16 Ridgeline trucks have defective wiring harnesses;

17 • *Glassburg v. Ford Motor Company*, No. 21-cv-01333-ODW-MAAx
18 (C.D. Cal.) (Hon. Otis D. Wright, II): class action against Ford for alleged defective trunk
19 lid wiring harness;

20 • *In re: Uber FCRA Litig.*, No. 3:14-cv-05200-EMC (N.D. Cal.) (Hon.
21 Edward M. Chen) (Final Approval May 2018): class settlement provided \$8.2M in
22 monetary relief as well as injunctive relief guaranteeing Uber’s compliance with FCRA
23 background check requirements; settlement reached while district court’s denial of a
24 motion to compel individual arbitration was pending (and ultimately overturned) before
25 the 9th Circuit.

26 • *In re: Apple Inc. Device Performance Litig.*, No. 5:18-md-02827-EJD
27 (N.D. Cal.) (Hon. Edward J. Davila): AW appointed to the Plaintiffs’ Steering Committee
28

1 after contested applications in a case alleging deceptive conduct by Apple impacting
2 iPhones nationwide. AW helped achieve a nationwide settlement of \$300 million to \$500
3 million.

4 • *In re: The Home Depot, Inc., Customer Data Sec. Breach Litig.*, No.
5 1:14-md- 02583-TWT (N.D. Ga.) (Hon. Thomas W. Thrash Jr.) (Final Approval
6 September 2017): AW served, by court appointment, on the MDL Consumer Plaintiffs’
7 Steering Committee. The settlement provided approximately \$29 million of monetary
8 relief to the consumer class, as well as robust injunctive relief requiring Home Depot to
9 overhaul its data security practices.

10 • *Smith v. Floor and Decor Outlets of America, Inc.*, No. 1:15-cv-04316-
11 ELR (N.D. Ga.) (Hon. Eleanor L. Ross) (Final Approval January 2017): AW served as
12 co-Class Counsel in a class action that resulted in a \$14 million class settlement regarding
13 flooring product defect allegations.

14 • *Chimeno-Buzzi v. Hollister Co.*, No. 1:14-cv-23120-MGC (S.D. Fla.)
15 (Hon. Marcia G. Cooke) (Final Approval April 2016): AW served as co-Class Counsel in
16 a class action that resulted in a \$10 million class settlement arising from violations of the
17 Telephone Consumer Protection Act of 1991 (“TCPA”).

18 • *Novoa v. The Geo Group, Inc.*, No. 5:17-cv-02514-JGB-SHK (C.D.
19 Cal.) (Hon. Jesus G. Bernal): AW is co-counsel for the plaintiffs; case challenges private
20 prison’s alleged practices of forced labor against immigration detainees.

21 • *In re: U.S. Office of Pers. Mgmt. Data Sec. Breach Litig.*, No. 1:15-
22 mc-01394-ABJ (D.D.C.) (Hon. Amy Berman Jackson): AW selected to the PSC after
23 contested leadership applications in government personnel data breach. Order granting
24 motion to dismiss recently reversed in part by D.C. Circuit Court of Appeals.

25 • *In re: Kind LLC “All Natural” Litig.*, No. 1:15-md-02645-WHP
26 (S.D.N.Y.) (Hon. William H. Pauley): AW appointed interim co-lead counsel for the
27
28

1 plaintiff class by MDL Court after contested leadership applications in false labeling food
2 case.

3 49. Thus, AW has decades of experience in the prosecution of class actions and,
4 in particular, class actions on behalf of consumers, and can more than adequately represent
5 the Settlement Class.

6 AW'S REASONABLE HOURLY RATES

7 50. I believe that my firm's rates are fully commensurate with the hourly rates of
8 other nationally prominent firms performing similar work for both plaintiffs and
9 defendants. After considering all of these data points, I have determined that the rates are
10 reasonable for each of the AW professional who worked on this matter.

11 51. Because of the importance of recovery of attorney fee awards in contingency
12 cases to a plaintiffs' class action practice firm such as AW, we keep current on federal and
13 California state law developments on the subject of attorneys' fees (AW is headquartered
14 in Los Angeles and also maintains an office in New York). Accordingly, AW is familiar
15 with the prevailing market rates for leading attorneys in California for trial court, complex
16 and class action litigation of important issues.

17 52. AW periodically establishes hourly rates for the firm's billing personnel.
18 AW establishes the rates based on prevailing market rates for attorneys and law firms in
19 the Los Angeles area that have attorneys and staff of comparable skill, experience, and
20 qualifications.

21 53. The bulk of AW's practice is contingent, and many of my firm's cases have
22 been large and substantial in settlements or verdicts. In contingent risk cases, my firm and
23 other firms doing this type of work frequently advance expenses and costs and defer all
24 payment of our fees for several years, with no guarantee that any of the fees we incurred
25 or costs we advanced would ever be recovered.

26 54. Courts have awarded AW attorneys' fees at rates that are comparable to the
27 rates applicable to this matter. *See, e.g. Eck, et al. v. City of Los Angeles*, No. BC577028
28

1 (Los Angeles Superior Court (“LASC”) (February 2018) (\$295 million finally approved
2 settlement where the Court awarded Class Counsel’s full request of approximately \$15
3 million based on percentage of the fund method and the virtually the same hourly rates);
4 *Lavinsky v. City of Los Angeles*, No. BC542245 (LASC) (October 2019) (\$51 million
5 minimum value finally approved settlement where the Court awarded Class Counsel’s full
6 request of approximately \$8 million based on percentage of the fund method and the
7 virtually the same hourly rates); *Alvarez v. Sirius XM Radio Inc.*, No. 2:18-cv-08605 (C.D.
8 Cal.) (Hon. James Selna) (February 2021) (finally approved nationwide class action
9 settlement conservatively valued at \$420 million where the Court awarded Class
10 Counsel’s full request of \$3.5 million in attorneys’ fees and expenses and virtually the
11 same hourly rates); *Pantelyat v. Bank of America*, No. 1:16-cv-08964 (S.D.N.Y. Jan. 31,
12 2019) (Dkt. 116; \$22 million finally approved settlement where the Court awarded Class
13 Counsel’s full request of \$5.5 million based on percentage of the fund method and the
14 same hourly rates); *Williamson, et al. vs. McAfee, Inc.*, Case No. 5:14-cv-00158-EJD
15 (N.D. Cal. Feb. 15, 2017) (Dkt. 118; \$85 Million settlement in deceptive auto renewal
16 case); *Smith v. Floor & Decor Outlets of Am., Inc.*, Case No. 1:15-cv-04316-ELR, (N.D.
17 Ga. Jan. 10, 2017) (Dkt. No. 69; \$14.5 Million product liability settlement re: laminate
18 flooring); *Chimeno-Buzzi v. Hollister Co.*, Case No. 1:14-cv-23120-MGC (S.D. Fla. April
19 11, 2016) (Dkt. No. 155; \$10 Million TCPA Settlement).

20 55. AW’s hourly rates are fully commensurate with the hourly rates of other
21 nationally prominent firms performing similar work for both plaintiffs and defendants.
22 These rates are reasonable and further well within the range of rates charged by
23 comparably qualifying attorneys for comparably complex work. Comparable hourly rates
24 have been found reasonable in numerous cases.

25 56. Because of our class action practice, AW keeps current on federal and
26 California state law developments on the subject of attorneys’ fees (AW maintains offices
27 in Los Angeles, New York and Philadelphia). Accordingly, Class Counsel is familiar with
28

1 the prevailing market rates for leading attorneys in California who litigate complex class
2 actions.

3 57. AW periodically establishes hourly rates for the firms' billing personnel.
4 AW establishes its rates based on a number of factors, including prevailing market rates
5 for attorneys and law firms in the Los Angeles area, that have attorneys and staff of
6 comparable skill, experience, and qualifications.

7 58. The rates requested by AW are in line with the non-contingent market rates
8 charged by attorneys of reasonably comparable experience, skill, and reputation for
9 reasonably comparable services and supported by surveys of legal rates.

10 59. The Settlement achieved in this litigation is the product of the initiative,
11 investigations, and hard work of skilled counsel.

12 60. Based on my experience and my knowledge regarding the factual and legal
13 issues in this matter, and given the substantial benefits provided by the Settlement, it is
14 my opinion that the proposed Settlement in this matter is fair, reasonable, and adequate,
15 and is in the best interests of the Settlement Class Members.

16
17 I declare under penalty of perjury pursuant to the laws of the United States of America
18 that the foregoing is true and correct. Executed this 31st day of March 2022 in Limón
19 Province, Costa Rica.

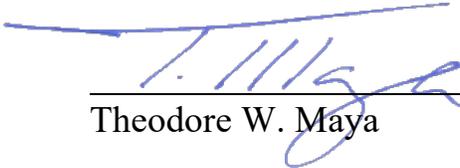
20
21 
22 _____
23 Theodore W. Maya

EXHIBIT A



Ahdoot & Wolfson, PC (“AW”) is a nationally recognized law firm founded in 1998 that specializes in complex and class action litigation, with a focus on privacy rights, unfair and anti-competitive business practices, consumer fraud, employee rights, defective products, civil rights, and taxpayer rights and unfair practices by municipalities. The attorneys at AW are experienced litigators who have often been appointed by state and federal courts as lead class counsel, including in multidistrict litigation. In over two decades of its successful existence, AW has successfully vindicated the rights of millions of class members in protracted, complex litigation, conferring billions of dollars to the victims, and affecting real change in corporate behavior.

Results

AW has achieved excellent results as lead counsel in numerous complex class actions.

In *Alvarez v. Sirius XM Radio Inc.*, No. 2:18-cv-08605-JVS-SS (C.D. Cal.) (Hon. James V. Selna), a breach of contract class action alleging that defendant did not honor its lifetime subscriptions, AW reached a nationwide class action settlement conservatively valued at approximately \$420 million. The settlement extends the promised lifetime subscription for the lifetime of class members who have active accounts, and provides the opportunity for class members with closed accounts to reactivate their accounts and enjoy a true lifetime subscription or recover \$100. The district court had granted the motion to compel arbitration on an individual basis, and AW appealed. AW reached the final deal points of the nationwide class action settlement literally minutes prior to oral argument in the Ninth Circuit.

The Honorable Lucy H. Judge Koh selected Ms. Wolfson and AW to serve as interim co-lead class counsel in the *ZOOM Video Communications, Inc. Privacy Litigation*, No. 5:20-cv-02155-LHK (N.D. Cal.), a class action alleging Zoom’s failure to implement adequate security protocols for its video-conferencing platform that breached millions of consumers’ privacy, fell well short of its promises, and diminished the value of the products and services it provided. AW and co-counsel reached a nationwide settlement (preliminary approval granted) with Zoom providing for, among other things, an \$85 million settlement fund to resolve data privacy and other claims.

As a member of the Plaintiffs’ Executive Committee in the *Apple Inc. Device Performance Litigation*, No. 5:18-md-2827-EJD (N.D. Cal.) (Hon. Edward J. Davila), AW helped achieve a nationwide

settlement of \$310 million minimum and \$500 million maximum. The case arose from Apple's alleged practice of deploying software updates to iPhones that deliberately degraded the devices' performance and battery life.

In *Eck v. City of Los Angeles*, No. BC577028 (LASC) (Hon. Ann I. Jones), AW achieved a \$295 million class settlement in a case alleging that an 8% surcharge on Los Angeles electricity rates was an illegal tax. Final settlement approval was affirmed on appeal in October 2019.

As co-lead counsel in the *Experian Data Breach Litigation*, No. 8:15-cv-01592-AG-DFM (C.D. Cal.) (Hon. Andrew J. Guilford), which affected nearly 15 million class members, AW achieved a settlement conservatively valued at over \$150 million. Each class member is entitled to two years of additional premium credit monitoring and ID theft insurance (to begin whenever their current credit monitoring product, if any, expires) plus monetary relief (in the form of either documented losses or a default payment for non-documented claims). Experian is also providing robust injunctive relief. Judge Guilford praised counsel's efforts and efficiency in achieving the settlement, commenting "You folks have truly done a great job, both sides. I commend you."

In *Kirby v. McAfee, Inc.*, No. 5:14-cv-02475-EJD (N.D. Cal.) (Hon. Edward J. Davila), a case arising from McAfee's auto renewal and discount practices, AW and co-counsel achieved a settlement that made \$80 million available to the class and required McAfee to notify customers regarding auto-renewals at an undiscounted subscription price and change its policy regarding the past pricing it lists as a reference to any current discount.

In *Lavinsky v. City of Los Angeles*, No. BC542245 (LASC) (Hon. Ann I. Jones), a class action alleging the city unlawfully overcharged residents for utility taxes, AW certified the plaintiff class in litigation and then achieved a \$51 million class settlement.

As co-lead counsel in *Berman v. Gen. Motors, LLC*, No. 2:18-cv-14371-RLR (S.D. Fla.) (Hon. Robin L. Rosenberg) (vehicle oil consumption defect class action), AW achieved a \$40 million settlement.

Lumber Liquidators Chinese-Manufactured Flooring Durability Marketing & Sales Practices Litigation, No. 1:16-md-02743-AJT-TRJ (E.D. Va.) (Hon. Anthony J. Trenga) arose from alleged misrepresentations of laminate flooring durability, which was coordinated with MDL proceedings regarding formaldehyde emissions. As co-lead class counsel for the durability class, AW was instrumental in achieving a \$36 million settlement.

In *McKnight v. Uber Technologies, Inc.*, No. 4:14-cv-05615-JST (N.D. Cal.) (Hon. Jon S. Tigar), AW achieved a \$32.5 million settlement for the passenger plaintiff class alleging that Uber falsely advertised and illegally charged a "safe rides fee."

In *Pantelyat v. Bank of America, N.A.*, No. 1:16-cv-08964-AJN (S.D.N.Y.) (Hon. Alison J. Nathan), a class action arising from allegedly improper overdraft fees, AW, serving as sole class counsel

for plaintiffs, achieved a \$22 million class settlement, representing approximately 80% of total revenues gleaned by the bank's alleged conduct.

Current Noteworthy Leadership Roles

Most recently, AW was selected to serve as interim co-lead class counsel in the *StubHub Refund Litigation*, No. 4:20-md-02951-HSG (N.D. Cal.) (Hon. Haywood S. Gilliam, Jr.). This consolidated multidistrict litigation alleges that StubHub retroactively changed its policies for refunds for cancelled or rescheduled events as a result of the Covid-19 pandemic and refused to offer refunds despite promising consumers 100% of their money back if events are cancelled. In appointing Ms. Wolfson as Interim Co-Lead Counsel, Judge Gilliam noted that while competing counsel were qualified, her team “proposed a cogent legal strategy,” “a process for ensuring that counsel work and bill efficiently” and “demonstrated careful attention to creating a diverse team.”

Ms. Wolfson was appointed, after competing applications, to serve as interim co-lead class counsel in the *Ring LLC Privacy Litigation*, No. 2:19-cv-10899-MWF-RAO (C.D. Cal.) (Hon. Michael W. Fitzgerald), a consolidated class action arising from Ring's failure to implement necessary measures to secure the privacy of Ring user accounts and home-security devices, and failure to protect its customers from hackers despite being on notice of the inadequacies of its cybersecurity.

In *Clark v. American Honda Motor Co., Inc.*, No. 2:20-cv-03147-AB-MRW (C.D. Cal.) (Hon. André Birotte Jr.), Ms. Wolfson was appointed co-lead counsel in a class action arising from unintended and uncontrolled deceleration in certain Acura vehicles. In selecting Ms. Wolfson from competing applications, Judge Birotte noted: “The Court believes that Ms. Wolfson brings particular attention to the virtues of collaboration, efficiency, and cost-containment which strike the Court as especially necessary in a case such as this. Ms. Wolfson's appointment as Co-Lead also brings diversity to the ranks of attorneys appointed to such positions: such diversity is not simply a “plus factor” but the Court firmly believes that diverse perspectives improve decision-making and leadership.”

AW was appointed to serve as co-lead interim class counsel in the *Google Location History Litigation*, No. 5:18-cv-5062-EJD (N.D. Cal.) (Hon. Edward J. Davila), a consumer class action arising out of Google's allegedly unlawful collection and use of mobile device location information on all Android and iPhone devices.

AW also serves on the Plaintiffs' Executive Committees in *Allergan Biocell Textured Breast Implant Products Liability Litigation*, No. 2:19-md-2921-BRM-JAD (D.N.J.) (Hon. Brian R. Martinotti), a class action alleging textured breast implants caused a rare type of lymphoma and in *ZF-TRW Airbag Control Units Products Liability Litigation*, No. 2:19-ml-2905-JAK-FFM (C.D. Cal.) (Hon. John A. Kronstadt), a class action alleging a dangerous defect in car airbag component units.

AW also was recently selected to serve on the PEC in the *Robinhood Outage Litigation*, No. 3:20-cv-1626-JD (N.D. Cal.) (Hon. James Donato), a consolidated case arising from a March 2020 outage of the online stock trading platform.

In the *Kind LLC “All Natural” Litigation*, No. 1:15-md-02645-WHP (S.D.N.Y.) (Hon. William H. Pauley III), AW was selected as interim co-lead class counsel after competing applications. AW certified three separate classes of New York, California, and Florida consumers who purchased Kind LLC’s products in a false labeling food MDL.

As part of the leadership team in *Novoa v. The Geo Group, Inc.*, No. 5:17-cv-2514-JGB-SHK (C.D. Cal.) (Hon. Jesus G. Bernal), AW certified a class of immigration detainees challenging private prison’s alleged forced labor practices.

In the *Dental Supplies Antitrust Litigation*, No. 1:16-cv-00696-BMC-GRB (E.D.N.Y.) (Hon. Brian M. Cogan), a class action alleging an anticompetitive conspiracy among three dominant dental supply companies in the United States, AW served on the plaintiffs’ counsel team that brought in an \$80 million cash settlement for the benefit of a class of approximately 200,000 dental practitioners, clinics, and laboratories.

In *Robinson v. Jackson Hewitt, Inc.*, No. 2:19-cv-09066-SDW-ESK (D.N.J.) (Hon. Susan D. Wigenton), a class action alleging that a standardized “no-poach” agreement among Jackson Hewitt and its franchisees limited mobility and compensation prospects for the tax preparer employees, AW is asserting claims on behalf of consumers under both federal antitrust and California employment laws.

In *Powell Prescription Center v. Surescripts, LLC*, No. 1:19-cv-00627 (N.D. Ill.) (Hon. John J. Tharp, Jr.), AW represents pharmacies in a class action arising from Surescripts’ alleged monopolies in both the routing and eligibility markets of the e-prescription industry.

Privacy Class Actions

AW has been prosecuting cutting edge privacy cases on behalf of consumers since the late 1990s. AW was among the first group of attorneys who successfully advocated for the privacy rights of millions of consumers against major financial institutions based on the unlawful compilation and sale of detailed personal financial data to third-party telemarketers without the consumers’ consent. While such practices later became the subject of Gramm-Leach-Bliley Act regulation, at the time AW was prosecuting these cases before the Hon. Richard R. Kramer, (Ret.) in the complex department of San Francisco Superior Court, such practices were novel and hidden from public scrutiny. AW’s work shed light on how corporations and institutions collect, store, and monetize mass data, leading to governmental regulation. AW has been at the forefront of privacy-related litigation since then.

As co-lead counsel in the *Experian Data Breach Litigation*, No. 8:15-cv-01592-AG-DFM (C.D. Cal.) (Hon. Andrew J. Guilford), which affected nearly 15 million class members, AW achieved a settlement conservatively valued at over \$150 million. Each class member is entitled to two years of

additional premium credit monitoring and ID theft insurance (to begin whenever their current credit monitoring product, if any, expires) plus monetary relief (in the form of either documented losses or a default payment for non-documented claims). Experian is also providing robust injunctive relief. Judge Guilford praised counsel's efforts and efficiency in achieving the settlement, commenting "You folks have truly done a great job, both sides. I commend you."

As an invaluable member of a five-firm Plaintiffs' Steering Committee ("PSC") in the *Premiera Blue Cross Customer Data Sec. Breach Litigation*, No. 3:15-cv-2633-SI (D. Or.) (Hon. Michael H. Simon), arising from a data breach disclosing the sensitive personal and medical information of 11 million Premiera Blue Cross members, AW was instrumental in litigating the case through class certification and achieving a nationwide class settlement valued at \$74 million.

In *The Home Depot, Inc., Customer Data Sec. Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.) (Hon. Thomas W. Thrash Jr.), AW served on the consumer PSC and was instrumental in achieving a \$29 million settlement fund and robust injunctive relief for the consumer class. As co-lead counsel in *Gordon v. Chipotle Mexican Grill, Inc.*, No. 1:17-cv-01415-CMA-MLC (D. Colo.) (Hon. Christine M. Arguello), AW secured a settlement for the nationwide class that provides for up to \$250 in claimed damages or \$10,000 in extraordinary damages.

AW was appointed to serve as co-lead interim class counsel in the *Google Location History Litigation*, No. 5:18-cv-5062-EJD (N.D. Cal.) (Hon. Edward J. Davila), a consumer class action arising out of Google's allegedly unlawful collection and use of mobile device location information on all Android and iPhone devices.

AW also currently serves on the PSC in *Am. Med. Collection Agency, Inc., Customer Data Sec. Breach Litigation*, No. 2:19-md-2904-MCA-MAH (D.N.J.) (Hon. Madeline Cox Arleo), a class action arising out of a medical data breach that disclosed the personal and financial information of over 20 million patients, as well as many other data breach class actions.

AW's efforts have shaped privacy law precedent. As lead counsel in *Remijas v. Neiman Marcus Group, LLC*, No. 14-cv-1735 (N.D. Ill.) (Hon. Sharon Johnson Coleman), AW's attorneys successfully appealed the trial court's order granting a motion to dismiss based on lack of Article III standing. The Seventh Circuit's groundbreaking opinion, now cited in every standing brief, was the first appellate decision to consider the issue of Article III standing in data breach cases in light of the Supreme Court's decision in *Clapper v. Amnesty International USA*, 568 U.S. 398 (2013) and concluded that data breach victims have standing to pursue claims based on the increased risk of identity theft and fraud, even before that theft or fraud materializes in out-of-pocket damages. *Remijas v. Neiman Marcus Group, LLC*, 794 F.3d 688 (7th Cir. 2015) (reversed and remanded).

Similarly, in the *U.S. Office of Personnel Management Data Security Breach Litigation*, No. 1:15-mc-1394-ABJ (D.D.C.) (Hon. Amy Berman Jackson), AW, as a member of the PSC, briefed and argued, in part, the granted motions to dismiss based on standing, and briefed in part the successful appeal to the D.C. Circuit.

AW is also serving as plaintiffs' counsel in consumer privacy rights cases involving the right to control the collection and use of biometric information, successfully opposing motions to dismiss based on lack of standing. *See, e.g., Rivera v. Google LLC*, No. 19-1182 (7th Cir.) (order granting summary judgment currently on appeal to the Seventh Circuit); *Azzano v. Google LLC*, No. 2019-CH-11153 (Ill. Cir. Ct.) (Hon. Anna M. Loftus); *Molander v. Google LLC*, No. 5:20-cv-00918-EJD (N.D. Cal.) (Hon. Edward J. Davila); *Acaley v. Vimeo, Inc.*, No. 1:19-cv-7164 (N.D. Ill.) (Hon. Matthew F. Kennelly).

In *Miracle-Pond v. Shutterfly, Inc.*, No. 2019CH07050 (Cir. Ct. Cook County) (Hon. Raymond W. Mitchell), a class action arising from Shutterfly's alleged illegal collection, storage, and use of the biometrics of individuals (including those without Shutterfly accounts) who appear in photographs uploaded to Shutterfly in violation of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* AW achieved preliminary approval of a settlement that establishes a \$6.75 million non-reversionary cash Settlement Fund and provides meaningful prospective relief for the benefit of class members.

In addition, AW has served and is serving as plaintiffs' counsel in class actions enforcing consumer rights under the Telephone Consumer Protection Act of 1991 ("TCPA"), such as *Chimeno-Buzzi v. Hollister Co.*, No. 1:14-cv-23120-MGC (S.D. Fla.) (Hon. Marcia G. Cooke) (class counsel in \$10 million nationwide settlement) and *Melito v. American Eagle Outfitters, Inc.*, No. 1:14-cv-02440-VEC (S.D.N.Y.) (Hon. Valerie E. Caproni) (\$14.5 million nationwide settlement).

Attorney Profiles

Tina Wolfson graduated Harvard Law School *cum laude* in 1994. Ms. Wolfson began her civil litigation career at the Los Angeles office of Morrison & Foerster, LLP, where she defended major corporations in complex actions and represented indigent individuals in immigration and deportation trials as part of the firm's *pro bono* practice. She then gained further invaluable litigation and trial experience at a boutique firm, focusing on representing plaintiffs on a contingency basis in civil rights and employee rights cases. Since co-founding AW in 1998, Ms. Wolfson had lead numerous class actions to successful results. Ms. Wolfson is a member of the California, New York and District of Columbia Bars.

Recognized for her deep class action experience, Ms. Wolfson frequently lectures on numerous class action topics across the country. She is a guest lecturer on class actions at the University of California at Irvine Law School. Her notable speaking engagements include:

- Class Action Mastery Forum at the University Of San Diego School of Law (Consumer Class Actions Roundtable) March 2020, featuring Hon. Lucy H. Koh, Hon. Edward M. Chen, and Hon. Fernando M. Olguin.
- Class Action Mastery Forum at the University Of San Diego School of Law (Data Breach/Privacy Class Action Panel) January 16, 2019.

- Association of Business Trial Lawyers: “Navigating Class Action Settlement Negotiations and Court Approval: A Discussion with the Experts,” Los Angeles May 2017, featuring Hon. Philip S. Gutierrez and Hon. Jay C. Gandhi.
- CalBar Privacy Panel: “Privacy Law Symposium: Insider Views on Emerging Trends in Privacy Law Litigation and Enforcement Actions in California,” Los Angeles Mar. 2017 (Moderator), featuring Hon. Kim Dunning.
- American Conference Institute: “2nd Cross-Industry and Interdisciplinary Summit on Defending and Managing Complex Class Actions,” April 2016, New York: Class Action Mock Settlement Exercise featuring the Hon. Anthony J. Mohr.
- Federal Bar Association: N.D. Cal. Chapter “2016 Class Action Symposium,” San Francisco Dec. 2016 (Co-Chair), featuring Hon. Joseph F. Anderson, Jr. and Hon. Susan Y. Illston.
- Federal Bar Association: “The Future of Class Actions: Cutting Edge Topics in Class Action Litigation,” San Francisco Nov. 2015 (Co-Chair & Faculty), featuring Hon. Jon S. Tigar and Hon. Laurel Beeler.
- American Association for Justice: AAJ 2015 Annual Convention - “The Mechanics of Class Action Certification,” July 2015, Montreal, Canada.
- HarrisMartin: Data Breach Litigation Conference: The Coming of Age - “The First Hurdles: Standing and Other Motion to Dismiss Arguments,” March 2015, San Diego.
- Bridgeport: 2015 Annual Consumer Class Action Conference, February 2015, Miami (Co-Chair).
- Venable, LLP: Invited by former opposing counsel to present mock oral argument on a motion to certify the class in a food labeling case, Hon. Marilyn Hall Patel (Ret.) presiding, October 2014, San Francisco.
- Bridgeport: 15th Annual Class Action Litigation Conference - “Food Labeling and Nutritional Claim Specific Class Actions,” September 2014, San Francisco (Co-Chair and Panelist).
- Bridgeport: 2014 Consumer Class Action Conference - “Hot Topics in Food Class Action Litigation,” June 2014, Chicago.
- Perrin Conferences: Challenges Facing the Food and Beverage Industries in Complex Consumer Litigations, invited to discuss cutting edge developments in settlement negotiations, notice, and other topics, April 2014, Chicago.
- Bridgeport: Class Action Litigation & Management Conference - “Getting Your Settlement Approved,” April 2014, Los Angeles.
- HarrisMartin: Target Data Security Breach Litigation Conference - “Neiman Marcus and Michael’s Data Breach Cases and the Future of Data Breach Cases,” March 2014, San Diego.

- Bridgeport: Advertising, Marketing & Media Law: Litigation and Best Management Practices - “Class Waivers and Arbitration Provisions Post-*Concepcion* / *Oxford Health Care*,” March 2014, Los Angeles.

Ms. Wolfson currently serves as a Ninth Circuit Lawyer Representative for the Central District of California, as Vice President of the Federal Litigation Section of the Federal Bar Association, as a member of the American Business Trial Lawyer Association, as a participant at the Duke Law School Conferences and the Institute for the Advancement of the American Legal System, and on the Board of Public Justice.

Robert Ahdoot graduated from Pepperdine Law School *cum laude* in 1994, where he served as Literary Editor of the Pepperdine Law Review. Mr. Ahdoot clerked for the Honorable Paul Flynn at the California Court of Appeals, and then began his career as a civil litigator at the Los Angeles office of Mendes & Mount, LLP, where he defended large corporations and syndicates such as Lloyds of London in complex environmental and construction-related litigation as well as a variety of other matters. Since co-founding AW in 1998, Mr. Ahdoot had led numerous class actions to successful results. Recognized for his deep class action experience, Mr. Ahdoot frequently lectures on numerous class action topics across the country. His notable speaking engagements include:

- MassTorts Made Perfect: Speaker Conference, April 2019, Las Vegas: “Llegal Fees: How Companies and Governments Charge The Public, and How You Can Fight Back.”
- HarrisMartin: Lumber Liquidators Flooring Litigation Conference, May 2015, Minneapolis: “Best Legal Claims and Defenses.”
- Bridgeport: 15th Annual Class Action Litigation Conference, September 2014, San Francisco: “The Scourge of the System: Serial Objectors.”
- Strafford Webinars: Crafting Class Settlement Notice Programs: Due Process, Reach, Claims Rates and More, February 2014: “Minimizing Court Scrutiny and Overcoming Objector Challenges.”
- Pincus: Wage & Hour and Consumer Class Actions for Newer Attorneys: The Do’s and Don’ts, January 2014, Los Angeles: “Current Uses for the 17200, the CLRA an PAGA.”
- Bridgeport: 2013 Class Action Litigation & Management Conference, August 2013, San Francisco: “Settlement Mechanics and Strategy.”

Theodore W. Maya graduated from UCLA Law School in 2002 after serving as Editor-in-Chief of the UCLA Law Review. From July 2003 to August 2004, Mr. Maya served as Law Clerk to the Honorable Gary Allen Feess in the United States District Court for the Central District of California. Mr. Maya was also a litigation associate in the Los Angeles offices of Kaye Scholer LLP for approximately eight years where he worked on a large variety of complex commercial litigation from inception through trial. Mr. Maya was named “Advocate of the Year” for 2007 by the

Consumer Law Project of Public Counsel for successful pro bono representation of a victim of a large-scale equity fraud ring.

Bradley K. King is a member of the State Bars of California, New Jersey, New York, and the District of Columbia. He graduated from Pepperdine University School of Law in 2010, where he served as Associate Editor of the Pepperdine Law Review. He worked as a law clerk for the California Office of the Attorney General, Correctional Law Section in Los Angeles and was a certified law clerk for the Ventura County District Attorney's Office. Mr. King began his legal career at a boutique civil rights law firm, gaining litigation experience in a wide variety of practice areas, including employment law, police misconduct, municipal contracts, criminal defense, and premises liability cases. During his nine-year career at AW, Mr. King has focused on consumer class actions, and data breach class actions in particular. He has extensive experience litigating consolidated and MDL class actions with AW serving in leadership roles, including numerous large data breach cases that have resulted in nationwide class settlements.

Henry Kelston graduated from New York University School of Law in 1978 and is a member of the New York and Connecticut Bars. Mr. Kelston has litigated a broad array of class actions for more than two decades, including actions challenging improperly charged bank fees, unauthorized collection of biometric data, and unlawful no-poach agreements among employers. He has been on the front lines in major data breach cases against companies such as Yahoo! and Facebook, and has represented consumers in class actions challenging food labeling practices, including the use of "natural" claims on products containing GMOs. His work in *In re Conagra Foods, Inc.*, contributed to a groundbreaking decision by the Ninth Circuit Court of Appeals, significantly strengthening the rights of consumers to bring class actions. Mr. Kelston is also a frequent speaker and CLE presenter on electronic discovery, and a member of The Sedona Conference® Working Group 1 on Electronic Document Retention and Production.

Deborah De Villa is an associate attorney at Ahdoot Wolfson and a member of the State Bars of New York and California. Ms. De Villa focuses on consumer protection and class actions. She graduated from Pepperdine University School of Law in 2016, where she earned the CALI Excellence for the Future Award in immigration law, business planning and commercial law. During law school, Ms. De Villa completed internships at the Los Angeles District Attorney's Office, Hardcore Gangs Unit, and at the Supreme Court of the Philippines, Office of the Court Administrator. Born in the Philippines, Ms. De Villa moved to Florida at the age of sixteen to attend IMG Golf Academy as a full-time student-athlete. Ms. De Villa earned a scholarship to play NCAA Division 1 college golf at Texas Tech University, where she graduated *magna cum laude* with a Bachelor of Arts in Psychology and a minor in Legal Studies. Ms. De Villa has gained substantial experience litigating class actions with Ahdoot Wolfson serving in leadership roles, including numerous large data breach and data privacy cases that have resulted in nationwide class settlements.