

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

T.K., THROUGH HER MOTHER SHERRI
LESHORE, and A.S., THROUGH HER
MOTHER, LAURA LOPEZ, *individually and
on behalf of all others similarly situated,*

Plaintiffs,

v.

BYTEDANCE TECHNOLOGY CO.,
LTD., MUSICAL.LY
INC., MUSICAL.LY THE CAYMAN
ISLANDS CORPORATION, and TIKTOK
INC.,

Defendants.

Case No. 1:19-cv-07915

Hon. John Robert Blakey

Mag. Hon. M. David Weisman

**DECLARATION OF GARY E. MASON IN SUPPORT
OF PLAINTIFFS' SUPPLEMENTAL MOTION FOR
ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

I, Gary E. Mason, being competent to testify, make the following declaration based on my personal knowledge, and where stated, upon information and belief. I declare:

1. I am currently a partner in the law firm Mason Lietz & Klinger LLP, which was founded on March 16, 2020. Prior to founding Mason Lietz & Klinger LLP (“MLK”), I was a founding partner in the law firm Whitfield Bryson & Mason, LLP (“WBM”). I am one of the lead attorneys for Plaintiffs and the Class in this matter. I respectfully submit this declaration in support of Plaintiffs’ Supplemental Motion for Attorneys’ Fees, Costs and Service Awards. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so.

2. Prior to forming my current firm, I worked as an attorney at several prestigious national law firms. I was a founding partner at Whitfield Bryson Mason LLP, a partner at Cohen

Milstein Sellers & Toll, and worked as an associate early in my career at Skadden Arps. My practice has largely been focused on consumer class actions and mass torts. A resume detailing my experience is attached to my original declaration in support of Plaintiffs' Motions for Final Approval of Class Action Settlement and Attorneys' Fees, Costs and Service Awards. *See* Dkt No. 28-1, Ex. A.

3. I have been actively involved in key aspects of litigation in this case, including developing case strategy, informal discovery work, review and analysis of data and documents, and the general prosecution of Plaintiffs' claims. I also spent a significant amount of time participating in settlement negotiations and strategy, participating in the mediation process, and negotiating and finalizing the Settlement Agreement, Motion for Preliminary Approval, Motion for Final Approval, Motion for Attorneys' Fees, Costs, and Service Awards. Even after preliminary approval was granted, I spent a significant amount of time responding to filings made by the objector, and in discussing and designing the Supplemental Notice Plan, and in preparing Plaintiffs' Supplemental Motion for Attorneys' Fees, Costs, and Service Awards filed herewith.

4. My years of experience representing individuals in complex class actions contributed to an awareness Plaintiffs' settlement leverage, as well as the needs of Plaintiffs and the proposed Class. I believe that our clients would ultimately prevail in the litigation on a class-wide basis. However, I am also aware that a successful outcome is uncertain and would be achieved, if at all, only after prolonged, arduous litigation with the attendant risk of drawn out appeals. It is my individual opinion, and that of the other Class Counsel, based on our substantial experience, the settlement provides significant relief to the Members of the Class and warrants the Court's preliminary approval.

5. Since the inception of this case, both my old and present firm have litigated vigorously on behalf of the class, expending substantial resources.

6. Prior to my co-founding Mason Lietz & Klinger LLP, Whitfield Bryson Mason LLP expended a total of \$5,968.63 in costs and expenses in prosecuting this action, for items including mediation fees, travel for mediation, and legal research charges for services such as Pacer and WestLaw pertaining to this case.

7. Mason Lietz & Klinger LLP has incurred \$350.40 in prosecuting this action, for items including filing fees and research costs.

8. Upon information and belief, my Partner Gary M. Klinger incurred \$9,814.50 in costs and expenses in prosecuting this action prior to the founding of Mason Lietz & Klinger LLP, including mediation fees, expenses associated with travel for mediation, and legal research charges for services such as Pacer and Westlaw pertaining to this case. *See* Declaration of Gary M. Klinger in Support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards at Dkt. 29-1 ("Klinger Fees Dec."), ¶ 9.

9. The combined expenses of all Counsel for Plaintiffs as of June 3, 2021 is \$16,133.53.

10. We have been informed by the Claims Administrator, Angeion Group, that the cost of providing supplemental notice is \$30,035.

11. In my view, the proposed Settlement is fair and reasonable, and in the best interest of the Class Members.

12. Class Counsel's requested fees in this case are reasonable in light of the percent of common fund/common benefit method of calculating fees.

13. Moreover, the fees requested are consistent with the terms outlined in my firm's representation agreements for cases in this Circuit, including for this case, and elsewhere, which generally fall within the one-third to 40% range.

14. Finally, I believe the proposed incentive awards to Plaintiffs are fair and reasonable. In addition to lending their names to this matter, and thus subjecting themselves to public attention, Plaintiffs (and their guardian mothers) were actively engaged in this Action. Among other things, they (1) provided information to Class Counsel for the complaint and other pleadings; (2) reviewed pleadings and other documents, including the complaint; (3) communicated on a regular basis with counsel and kept himself informed of progress in the litigation and settlement negotiations; and (4) reviewed and approved the proposed settlement.

* * *

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct, and that this declaration was executed in Bethesda, Maryland on June 4, 2021.

/s/ Gary E. Mason

Gary E. Mason

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2021, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which will send a notice of electronic filing to all Counsel of record.

By: /s/ Gary E. Mason

Gary E. Mason