IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF JEFFREY S. GOLDENBERG IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND EXPENSES, AND SERVICE AWARDS

I, Jeffrey S. Goldenberg, hereby declare and state as follows:

1. I am an attorney duly admitted pro hac vice to practice before this Court. I am a founding partner at the law firm of Goldenberg Schneider, LPA ("GS"), one of the law firms representing Plaintiffs in this Action.[1]

2. I am admitted to the practice of law in the State of Ohio (admitted since 1994), the United States Court of Appeals for the Sixth Circuit, Second Circuit, and Ninth Circuit, and the United States District Court for the Southern and Northern Districts of Ohio and the Northern District of Illinois. I also have been admitted pro hac vice to various federal district courts

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

throughout the United States. I am a member in good standing of the Ohio Bar and have never been the subject of any disciplinary proceeding.

3. I have been practicing law for 27 years. I have spent most of my career litigating class actions representing plaintiffs. My practice focuses on complex, multi-state, and nationwide class actions involving consumer protection, data breach and privacy, defective products (including auto defect litigation), breach of contract, life insurance, long-term care insurance, ERISA, and wage and hour disputes.

4. I was appointed by the Court as Interim Lead Class Counsel and as Lead Settlement Class Counsel in this Action. Order Appointing Interim Class Counsel Pursuant to Federal Rule of Civil Procedure 23(g), ECF No. 79; Order Granting Preliminary Approval at 3, ECF No. 137. I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement (to be filed on January 10, 2022); and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Expenses, and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

5. GS has prosecuted this Action solely on a contingent-fee basis. Accordingly, GS has been at risk that it would not receive any compensation for its time or expenses for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte"). The attorneys from GS, in addition to myself, who have worked on this Litigation are Todd B. Naylor and Robert B. Sherwood.

I. MANAGEMENT OF THIS ACTION

6. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester, represented by GS and others, filed their Class Action Complaint in this Court against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed

to protect their PII. Compl., ECF No. 1 ("*Culbertson*"). Prior to filing this initial Class Action Complaint, my firm and my co-counsel conducted a thorough investigation of the factual and legal basis supporting the claims alleged therein.

7. On May 27, 2020, Plaintiff Burns filed her Class Action Complaint against Deloitte. Compl., *Burns v. Deloitte Consulting LLP*, No. 1:20-cv-04077-LJL, ECF No. 1 ("*Burns*"). On May 29, 2020, Plaintiff Alexander filed her Class Action Complaint against Deloitte. Compl., *Alexander v. Deloitte Consulting, LLP*, No. 1:20-cv-04129-LJL, ECF No. 1 ("*Alexander*"). On June 8, 2020, Plaintiff Neal filed her Class Action Complaint against Deloitte. Compl., *Neal v. Deloitte Consulting LLP*, No. 1:20-cv-04362-LJL, ECF No. 1 ("*Neal*"). On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases. Consol. Order, ECF No. 27. On July 2, 2020, the *Bozin*[2] case was consolidated. Consol. Order, ECF No. 36.

8. Since the inception of this litigation, GS has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) extensive interviewing of plaintiffs and collection of documents; (3) drafting of the complaints; (4) legal research; (5) drafting motions and briefs; (6) participating in case strategy conferences and decisions, including establishing a leadership structure for the litigation; and (7) conducting the mediation and implementing this Settlement. Thus, I am fully familiar with the proceedings.

9. Additionally, GS participated in regular calls with Class Counsel during the pendency of this litigation. During these calls, various aspects of this litigation were discussed including: (1) drafting amended and consolidated pleadings, (2) responding to Defendant's motion

[2] On May 21, 2020, Plaintiffs Bozin, Smith, and Polichena filed their Class Action Complaint in the Court of Common Pleas for Cuyahoga County, Ohio. On May 28, 2020, they filed an Amended Complaint, adding Plaintiffs Nolen and Hornbeck. On May 29, 2020, Deloitte removed the *Bozin* case to this Court. *See* Not. of Removal, *Bozin v. Deloitte Consulting LLP*, No. 1:20-cv-05070-LJL, ECF No. 1 ("*Bozin*").

to dismiss, (3) organizing Class Counsel into an efficient and effective leadership structure, (4) implementing case strategy, (5) pursuing early resolution, and (6) seeking preliminary approval and implementing this Settlement.

10. This declaration generally summarizes the work performed by GS and Class Counsel for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, GS and Class Counsel have worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, drafting of the initial and First Amended Consolidated Class Action Complaint, extensive interviewing of plaintiffs and collection of documents, legal research, drafting of motions and briefs and participating in case strategy conferences and decisions, court conferences, settlement discussions, preparing settlement documents, designing and overseeing the implementation of the notice plan; seeking preliminary and final approval of this Settlement; and assisting with and overseeing the implementation of the Settlement.

11. As mentioned above, I was appointed by the Court to serve as Interim Lead Class Counsel and as Lead Settlement Class Counsel in this Action. I have been, and remain, responsible for managing and overseeing all efforts and activities performed by Class Counsel. By closely coordinating Class Counsel's activities and by assigning various attorneys to identifiable committees responsible for specific tasks, I was able to ensure that the work performed by Class Counsel was allocated appropriately, performed efficiently, and was not repetitive. This was accomplished by regular communication either by email or conference calls. Because of this regular communication, the work performed by Class Counsel following my appointment as Interim Lead Class Counsel was non-duplicative and necessary to meet the obligations associated with this litigation.

12. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan. (ECF No. 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the process for Class Members to object. (ECF 137; ECF 138.) On September 20, 2021, the revised and executed Settlement Agreement and Release was filed. (ECF 143-1.)

II. GS' LODESTAR AND LITIGATION EXPENSES

13. Not including the time expended to prepare this application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 9, 2021, for GS' attorneys, paralegals, and legal assistants on this action:

Name	Position	Total Hours	Hourly Rate	Amount
Jeffrey S. Goldenberg	Partner	228.9	$750	$171,675
Todd B. Naylor	Partner	4.5	$675	$3,037.50
Robert B. Sherwood	Attorney	99.9	$625	$62,437.50
Stephanie Vaaler	Paralegal	27.2	$175	$4,760
Cheryl Pence	Legal Assistant	59.2	$150	$8,880
TOTAL		**419.7**		**$250,790**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by GS during the regular course of its business operation.

14. The GS personnel listed above billed their time at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates for legal professionals of comparable experience and skill handling complex litigation. For example, I was approved at $750 per hour and Ms. Pence was approved at $150 per hour in *Sarah Hill et al v. Canidae Corporation,* Case No. 5:20-cv-01374-JGB-SP (C.D. Cal) (Doc. No. 79). On April 22, 2021, I submitted the following hourly rates to the Federal District Court in New Jersey in *In*

Re: Mercedes-Benz Emission Litigation, Case No. 2:16-cv-00881-KM-ESK, to support Class Counsel's fee petition: Jeffrey Goldenberg: $775; Todd Naylor: $700; Robert Sherwood: $650; and Cheryl Pence: $150. (Doc. No. 312-2, Ex. 4). The Court granted Class Counsel's fee petition on July 12, 2021 (Doc. No. 341). *See also*, *Margery Newman v. Metropolitan Life Insurance Company*, U.S. District Court, Northern District of Illinois, Case No. 1:16-cv-03530.

15. During the course of this Action, GS incurred $11,876.87 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of GS and are a true and accurate summary of the expenses incurred by GS for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Telephone, Conference Calls and Facsimile	$0
Photocopy Costs	$310.08
Court Costs, Filing Fees and Transcripts	$361.62
Delivery/Courier	$0
Carfare, Travel and Meals	$0
Legal Research	$1,321.83
Service of Process	$0
Experts	$2,383.34
Mediation (JAMS, Inc.)	$7,500.00
TOTAL	**$11,876.87**

III. GS HAS A LENGTHY HISTORY REPRESENTING CONSUMERS AND HAS ACHIEVED SIGNIFICANT RECOVERIES

16. GS has a lengthy history of representing consumers, businesses and other clients in class action litigation and has the experience, resources and ability to adequately represent the Settlement Class Members here. A true and correct copy of the GS Firm Resume is attached as Exhibit A.

17. I have served as lead, co-lead, or class counsel in numerous successful MDLs and class actions. *See, e.g., In re Department of Veterans Affairs (VA) Data Theft Litig*., MDL No. 1796, No. 1:06-mc-00506 (D.D.C.) (class counsel; $20 million settlement); *In re: Ford Motor Co. Spark Plug and 3-Valve Engine Products Liability Litigation*, MDL No. 2316, No. 1:12-MD-2316 (N.D. Ohio) (co-lead counsel; nationwide settlement providing reimbursement for out-of-pocket costs to millions of vehicle owners); *Lynevych v. MercedesBenz USA, LLC*, No. 2:16-cv-881 (D.N.J.) (executive committee member; $700 million nationwide settlement recently announced in diesel emissions fraud litigation); *Sunyak v. City of Cincinnati*, No. 1:11-cv-00445 (S.D. Ohio) (co-lead counsel; employee benefits settlement valued at over $50 million); *Parker v. Berkeley Premium Nutraceuticals*, No. 04 CV 1903 (Ohio C.P. Montgomery) (co-lead counsel; nationwide consumer fraud settlement refunding over $24 million); *Linneman v. Vita-Mix Corporation*, No. 1:15-cv-748 (S.D. Ohio) (class counsel; nationwide defective blender settlement offering replacement blade assemblies valued at $100 to over five million class members)); *Shin v. Plantronics, Inc*., No. 5:18-cv-5626 (N.D. Cal.) (co-lead counsel; nationwide settlement providing $25 and $50 cash payments to class members); *Hawkins v. Navy Federal Credit Union,* No. 1:19-cv-01186 (E.D. Va.) (co-lead counsel; $9.25 million common fund TCPA settlement); *Bahn v. American Honda Motor Company, Inc*., No. 2:19-cv-05984 (co-lead counsel; nationwide settlement pending final approval extending warranty of affected parts and offering full reimbursement for out of pocket costs); *Conti v. American Honda Motor Company, Inc*., No. 2:19-cv-2160 (C.D. Ca.) (co-lead counsel; nationwide settlement pending final approval extending warranty of affected parts and offering full reimbursement for out of pocket costs).

18. During the State Attorney General tobacco litigation battles, I served as Special Counsel representing the State of Ohio against the tobacco industry and was part of the litigation

team that achieved an unprecedented $9.86 billion settlement for Ohio taxpayers. This remains the largest settlement in Ohio history. *See State of Ohio, ex rel., Betty D. Montgomery v. Philip Morris, Inc*., No. 97-CVH05-5114 (Ohio Ct. Com. Pl. Franklin).

IV. CLASS COUNSELS' COLLECTIVE LODESTAR AND EXPENSES

19. Class Counsel have collectively worked 1,932.5 hours in this litigation.

20. At their usual and customary rates and applying the rates in existence at the time the work was undertaken, these hours translate to a total lodestar of approximately $1,282,482.50 for this litigation. Below is a chart listing each firm that participated in this litigation, each firm's total hours, each firm's total lodestar, each firm's expenses, Class Counsels' combined total number of hours, Class Counsels' combined total lodestar, and Class Counsels' total expenses. This chart was created from the information contained in Exhibits B through P (Class Counsel declarations).

FIRM	HOURS	LODESTAR	EXPENSES
Goldenberg Schneider	419.7	$250,790.00	$11,876.87
Kaplan Fox & Kilsheimer	196.7	$153,706.50	$1,135.84
Lynch Carpenter	56.4	$40,802.50	$605.00
Morgan & Morgan	128.4	$104,249.30	$826.10
Mason Lietz & Klinger	102.10	$61,283.00	$218.20
Levin Sedran & Berman	189.6	$183,680.00	$238.10
DannLaw	164.6	$65,503.25	$1,047.46
Pearson Simon Warshaw	144.90	$98,156.00	$318.41
Consumer Protection Legal	118.7	$89,319.30	$557.40
Tycko & Zavareei	101.80	$51,188.20	$2,181.11

Zimmerman Law Office	135.6	$85,726.0	$216.00
Kopelowitz Ostrow Ferguson	20.0	$13,657.50	$208.30
The Lyon Firm	12.7	$7,057.50	$0.00
Freed Kanner	55.8	$40,930.00	$579.44
Edelman Law	29.10	$7,926.50	$471.80
Meyer Wilson	56.4	$28,507.00	$611.28
TOTAL	**1,932.5**	**$1,282,482.50**	**$21,091.31**

21. As such, Plaintiffs' request for one-third of the common fund, or $1,649,835, for attorneys' fees represents a total multiplier of approximately 1.29.

22. Class Counsel have incurred $21,091.31 in reasonable and necessary litigation costs and expenses.

23. As for the background of the lawyers involved, Class Counsel are qualified class action attorneys who possess a long and proven track record of successfully prosecuting class actions, including data breach cases. See Exhibits B through P.

24. A true and accurate copy of the Declaration of Frederic S. Fox in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit B.

25. A true and accurate copy of the Declaration of Jonathan M. Streisfeld in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit C.

26. A true and accurate copy of the Declaration of Joseph M. Lyon in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit D.

27. A true and accurate copy of the Declaration of Melissa S. Weiner in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit E.

28 A true and accurate copy of the Declaration of Marc E. Dann in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit F.

29. A true and accurate copy of the Declaration of Charles E. Schaffer in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit G.

30. A true and accurate copy of the Declaration of Hassan A. Zavareei in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit H.

31. A true and accurate copy of the Declaration of Matthew R. Wilson in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit I.

32. A true and accurate copy of the Declaration of Thomas A. Zimmerman, Jr. in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit J.

33. A true and accurate copy of the Declaration of Jonathan M. Jagher in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit K.

34. A true and accurate copy of the Declaration of Gary E. Mason in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit L.

35. A true and accurate copy of the Declaration of Tiffany Marko Yiatras in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit M.

36. A true and accurate copy of the Declaration of Daniel A. Edelman in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit N.

37. A true and accurate copy of the Declaration of Katrina Carroll in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit O.

38. A true and accurate copy of the Declaration of John Yanchunis in Support of Plaintiffs' Motion For Final Approval of Settlement And Motion For Attorneys' Fees, Litigation Costs And Service Awards is attached hereto as Exhibit P.

39. Class Counsel's efforts in this litigation were the only way Plaintiffs and the Class would receive any compensation. Plaintiffs' counsel in such cases are typically retained on a contingent basis due to the huge commitment of time and expense required relative to the losses suffered by an individual representative plaintiff. Each of the firms representing Plaintiffs in this action agreed to do so on a wholly contingent basis.

40. Class Counsel assumed substantial risk by undertaking this litigation and achieved a significant benefit to the Class.

41. The Settlement has been well received by the public. As of the filing of this declaration, there has been only one objection to the Settlement. This objection (partially redacted), is attached as Exhibit Q.

42. The $21,091.31 in expenses incurred during this case include all filing, general litigation, and mediation-related expenses and were incurred in the normal course of business and were essential to the successful prosecution of this lawsuit. None of Class Counsel's expenditures have yet been reimbursed.

43. Class Counsel respectfully requests modest service awards of $2,000 for each of the named Plaintiffs for their active participation in this Action. "Courts in this Circuit have approved service awards for much more than the $2,000 requested here—$10,000 to $15,000 have been awarded to class representatives in class settlements in cases similar to this one." *Guippone v. BH S&B Holdings LLC*, 2016 WL 5811888, at *8 (S.D.N.Y. Sept. 23, 2016) (approving $2,000 service awards). "In examining the reasonableness of service awards, courts consider: (1) the personal risk incurred by the named plaintiff; (2) time and effort expended by the named plaintiff in assisting the prosecution of the litigation; and (3) the ultimate recovery in vindicating statutory rights." *Id*. All three factors support the requested service awards. Plaintiffs agreed to bring this action in their name without any assurance that it would be successful.

44. I strongly believe that this Settlement is fair, adequate and reasonable and is very favorable for the Settlement Class. Accordingly, this Settlement is worthy to receive final approval from the Court.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: December 3, 2021

/s/Jeffrey S. Goldenberg
Jeffrey S. Goldenberg

EXHIBIT A

Goldenberg Schneider, LPA

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GOLDENBERG SCHNEIDER, L.P.A. was founded in 1996 and focuses on prosecuting actions primarily on behalf of plaintiffs in complex civil litigation and class actions. The subject matter of the Firm's past and current representations is broad, ranging from consumer protection, defective products, privacy protection and data breach, to employment and labor cases including ERISA and FLSA, to antitrust and insurance actions (including long-term care insurance). The firm's attorneys are experienced in every level of the state and federal judicial systems in Ohio and the country.

The Firm has demonstrated its capability to successfully represent governmental entities, corporations, and individuals in the most complex types of litigation. Founding partner Jeff Goldenberg served as special counsel to the Ohio Attorney General in prosecuting Ohio's Medicaid recoupment action against the tobacco industry and has served as lead or co-lead counsel on numerous nationwide class actions. The tobacco Medicaid recoupment litigation settled in 1999, resulting in a recovery to the State of Ohio of more than $9.86 billion. Setting aside the substantial, if not immeasurable non-economic components of the settlement, which curb youth smoking and addiction, the settlement's financial proceeds are a multiple of twelve times larger than the prior largest Ohio-based settlement.

Class actions in which one or more of the Firm's attorneys currently serves or served as class counsel include the following:

Deloitte Consulting Pandemic Unemployment Assistance Data Breach Litigation – Goldenberg Schneider serves as Lead Counsel representing Plaintiffs and the class of several hundred thousand Covid-19 Pandemic Unemployment Assistance ("PUA") applicants from Ohio, Colorado and Illinois whose sensitive personal information was made available to third parties without their authorization. Plaintiffs allege that Deloitte Consulting designed, operated and maintained the PUA systems which resulted in the unauthorized exposure. The case, pending in federal district court for the Southern

District of New York before Judge Lewis J. Liman, recently settled for $4,950,000. The Final Approval hearing is scheduled for January 2022.

In Re: Veterans' Administration Data Theft Litigation Goldenberg Schneider served as co-lead counsel for a nationwide class of approximately 20 million veterans and current members of the military who were impacted by the August 2006 theft of personal data. Multiple actions were consolidated by the Panel on Multidistrict Litigation and sent to the Federal District Court in the District of Columbia. Goldenberg Schneider successfully resolved this action with a $20,000,000 settlement.

Estep v. J. Kenneth Blackwell, Ohio Secretary of State Goldenberg Schneider served as co-lead counsel on this class action against former Ohio Secretary of State, Ken Blackwell, based upon a violation of privacy rights when personal information was unlawfully disclosed in public records accessible through the Secretary's website. The settlement required the Secretary of State to dramatically improve the protection of social security numbers.

In re: Google Inc. Street View Electronic Communications Litigation - In 2010, Goldenberg Schneider and co-counsel filed the first nationwide class action lawsuit against Google for violating the Federal Wiretap Act. The complaint alleges that Google routinely used Google Street View vehicles equipped with special hardware and software "snoopers" and "sniffers" to illegally intercept and record wireless electronic communications. In 2011, the Court denied Google's motion to dismiss the federal wiretapping claim, ruling that plaintiffs stated a viable claim and that none of the statutory exemptions apply to Google's actions. Google appealed to the Ninth Circuit which affirmed the denial. The litigation recently settled for $13 million.

Navy Federal Credit Union TCPA Litigation Goldenberg Schneider served as co-lead counsel in this nationwide class action alleging that Navy Federal Credit Union violated the Telephone Consumer Protection Act by repeatedly texting non-customers without authorization. Goldenberg Schneider successfully resolved this litigation recently through the creation of a $9,250,000 common fund for the benefit of the class. Judge Leonie M. Brinkema of the Federal Court located in the Eastern District of Virginia granted final approval to the settlement on October 20, 2020.

In Re: *Ford Motor Co. Spark Plug and 3-Valve Engine Products Liability Litigation* Goldenberg Schneider served as co-lead counsel for a national class comprised of approximately 4 million Ford vehicle owners who purchased or leased vehicles containing a 5.4 liter 3-valve engine equipped with defective spark plugs and related engine defects. On January 26, 2016, after Plaintiffs had defeated Ford's motion for summary judgment, Judge Benita Pearson of the Northern District of Ohio granted final approval of a nationwide settlement that provided reimbursement to class members for expenses related to spark plug replacement.

Acura RDX Infotainment System Litigation - Goldenberg Schneider filed a nationwide class action alleging that Honda knowingly sold its 2019 and 2020 Acura RDX vehicles with defective infotainment systems. The infotainment systems in these vehicles behave erratically, malfunctioning, freezing, and creating a safety hazard and distraction. The court denied in large part Defendant's motion to dismiss. Following substantial discovery, the Court certified a class of California purchasers of these vehicles. Goldenberg Schneider and co-counsel Hagens Berman Sobol Shapiro recently negotiated a nationwide class settlement and filed for preliminary approval in March 2021.

Vicki Linneman, et al., v. Vita-Mix Corporation - Goldenberg Schneider served as Class Counsel in this nationwide class action alleging that certain Vita-Mix blenders deposit tiny shards of polytetrafluoroethylene (PTFE), a Teflon-like substance, into foods during use. Goldenberg Schneider and co-counsel successfully settled the litigation allowing class members to choose between (1) a free replacement blade assembly that does not fleck (valued at over $100) or (2) a gift card valued at $70.00. About 5 million class members were eligible for these benefits.

Shin v. Plantronics, Inc. – Goldenberg Schneider served as Lead Class Counsel in this nationwide class action on behalf of more than 1.2 million consumers who purchased defective Plantronics BackBeat FIT wireless headphones. Following oral argument on Defendant's motion to dismiss, Goldenberg Schneider and co-counsel successfully resolved the litigation on a nationwide class basis through mediation. The court granted final approval to the settlement in January 2020.

Ulyana Lynevych v. Mercedes-Benz USA, LLC – Goldenberg Schneider along with Hagens Berman Sobol Shapiro initiated this lawsuit against Mercedes and Bosch alleging

that these defendants knowingly programmed Mercedes' Clean Diesel BlueTEC vehicles to emit illegal and dangerous levels of nitrogen oxide (NOx) in virtually all real-world driving conditions and equipped the vehicles with a "defeat device." Mr. Goldenberg serves on the Executive Committee. Goldenberg Schneider and its co-counsel initiated this litigation nearly six months before the U.S. EPA and the California Air Resources Board began their investigation and eventual enforcement actions. A nationwide settlement with Defendants valued at over $750 million for the benefit of defrauded consumers was recently granted final approval in July, 2021.

City of Cincinnati Pension Litigation Goldenberg Schneider and its co-counsel, with the assistance of U.S. District Court Judge Michael Barrett, successfully resolved a series of cases relating to the City of Cincinnati Retirement System, known as the CRS. Judge Barrett granted final approval of the historic and landmark Settlement Agreement on October 5, 2015. The settlement comprehensively reforms the CRS, establishes a consistent level of City funding, and reinstates several key provisions that were eliminated in 2011 changes for employees who were vested in the plan at that time. The settlement benefits for the Current Employees Class members, for whom Goldenberg Schneider was approved as Class Counsel, are valued at approximately $50 million.

Bower v. MetLife Goldenberg Schneider served as co-lead class counsel on behalf of a nationwide class of beneficiaries of the Federal Employees Group Life Insurance (FEGLI) Policy, the world's largest group life insurance program. Following the Court's Order certifying the nationwide Class, the case was settled in 2012 for $11,500,000.

In Re: OSB Antitrust Litigation Goldenberg Schneider served on the trial team in a case that alleged illegal collusion and cooperation among the oriented strand board industry. The case was resolved through a series of settlements that collectively exceeded $120,000,000.

Parker v. Berkeley Premium Nutraceuticals Goldenberg Schneider served as co-lead counsel and certified three nationwide classes in a consumer fraud class action on behalf of purchasers of herbal supplements for false and unproven claims and deceptive credit card practices. This case was successfully resolved with a settlement valued in the millions of dollars. Moreover, class members retained all rights to recover a portion of the nearly $30 million that the U.S. Attorney General seized in a civil forfeiture action.

Goldenberg Schneider then recovered an additional $24,000,000 for the victims by prosecuting a successful class-wide Petition for Remission through the forfeiture proceedings.

Cates v. Cooper Tire & Rubber Company/ Johnson v. Cooper Tire & Rubber Company Goldenberg Schneider served as co-lead counsel for a class of more than a thousand Cooper Tire retirees who claimed that they were entitled to lifetime health care benefits. Goldenberg Schneider secured a judgment on the pleadings, certified the class, and ultimately resolved the case through a settlement valued at over $50,000,000.

In Re: Consolidated Mortgage Satisfaction Cases Goldenberg Schneider served as lead counsel on behalf of Ohio homeowners against some of the largest national and Ohio banking and lending institutions for their failure to timely record mortgage loan payoffs. The Firm was able to consolidate all twenty actions before one trial judge and successfully upheld all the class certifications before the Ohio Supreme Court. These cases were resolved through multiple settlements valued at millions of dollars.

In re: Verizon Wireless Data Charges Litigation Goldenberg Schneider filed the first nationwide class action challenging Verizon Wireless' improper $1.99 data usage charges to certain pay-as-you-go customers. Goldenberg Schneider, as a member of the Plaintiffs Advisory Committee, played an active role in this litigation which resulted in benefits to the Class in excess of $50,000,000 in refunds and reimbursement payments.

Daffin v. Ford Motor Company Goldenberg Schneider and its co-counsel successfully certified an Ohio statewide class on behalf of all Ohio purchasers or lessors of 1999 and 2000 model year Mercury Villager Minivans. The Sixth Circuit upheld the class certification, and the case was resolved through a settlement. The Sixth Circuit decision was one of the first to recognize diminished value as a viable damage model.

Meyer v. Nissan North America Goldenberg Schneider served as co-lead counsel on behalf of thousands of Nissan Quest minivan owners throughout the United States. The suit alleged that the Quest minivan developed dangerous levels of carbon deposits in the accelerator system causing the gas pedal to stick, resulting in a roadway safety hazard including documented accidents and injuries. The case was resolved by a nationwide settlement that included the application of the vehicle warranty to remedy the problem as well as a refund of prior repair costs.

Continental Casualty Long Term Care Insurance Litigation ("Pavlov Settlement") - Goldenberg Schneider served as Lead Class Counsel in this litigation on behalf of certain CNA long term care policyholders nationwide whose claims for stays at certain facilities were wrongly denied based upon a non-existent 24/7 on-site nursing requirement. The Federal District Court in the Northern District of Ohio granted final approval to a nationwide class action settlement negotiated by Goldenberg Schneider that provided damages to those whose claims were improperly denied and expanded the types of facilities now covered by these policies. The settlement value exceeded $25 million.

Carnevale FLSA Class Action Goldenberg Schneider served as co-lead counsel on behalf of employees working for a large industrial company that alleged violations of federal and state labor laws through the systematic misclassification of managers and other employees as salaried professionals. This case successfully resolved with a common fund settlement in excess of $5 million.

Lesley Conti and Tom Conti v. American Honda Motor Co., Inc., - Goldenberg Schneider filed a nationwide class action alleging that Honda knowingly sold its 2018-2019 Honda Odyssey, 2019-2020 Honda Passport, and 2019-2020 Honda Pilot vehicles with defective infotainment systems. The infotainment systems in these vehicles behave erratically, malfunctioning, freezing, and creating a safety hazard and distraction. The defect can cause safety-related systems (including backup camera functions) to fail. The court denied in large part Defendant's motion to dismiss. Goldenberg Schneider and co-counsel Hagens Berman Sobol Shapiro recently negotiated a nationwide class settlement which received preliminary approval in May 2021.

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LEGAL EXPERIENCE

PARTNER, GOLDENBERG SCHNEIDER, L.P.A. (1996-present) - Civil trial and appellate practice in state and federal courts. Areas of practice include: class actions, consumer protection, data breach and privacy protection, product defect, long-term care insurance litigation, TCPA litigation, state attorney general cost recoupment including tobacco and pharmaceutical average wholesale price litigation, employment litigation including ERISA and wage and hour (FLSA), toxic torts, lead poisoning, antitrust, environmental, and commercial disputes.

ATTORNEY, DINSMORE & SHOHL (1994-1996) - General litigation practice with an emphasis on environmental litigation and compliance.

Bar Admissions/Licenses

State of Ohio (admitted since 1994)
United States Court of Appeals for the Second Circuit
United States Court of Appeals for the Sixth Circuit
United States Court of Appeals for the Ninth Circuit
United States District Court for the Southern District of Ohio
United States District Court for the Northern District of Ohio
United States District Court for the Northern District of Illinois

Activities/Memberships

Ohio Association for Justice
American Association for Justice
American Bar Association
Ohio State Bar Association
Cincinnati Bar Association
The Cincinnati Academy of Leadership for Lawyers
Volunteer Attorney for the Ohio Foreclosure Mediation Project
Supreme Court of Ohio Lawyer to Lawyer Mentoring Program
Pro Seniors Legal Volunteer
President, Board of Directors, Jewish National Fund – Ohio Valley Region
Board of Directors, University of Cincinnati Hillel Jewish Student Center

EDUCATION

Indiana University School of Law, Bloomington, Indiana, J.D. 1994
Indiana University School of Public and Environmental Affairs, M.S.E.S. 1994
Indiana University, B.A. Biology, 1988

JEFFREY S. GOLDENBERG
PARTNER, GOLDENBERG SCHNEIDER, LPA
www.gs-legal.com

Mr. Goldenberg's practice includes class action and complex civil litigation with an emphasis on consumer protection. His practice areas include insurance coverage (including long-term care insurance), consumer fraud, data breach and privacy protection, product defects, overtime and wage and hour, ERISA, antitrust, toxic torts, and commercial disputes.

Mr. Goldenberg has served as lead and/or co-counsel in numerous multi-million dollar complex civil cases throughout the United States, including Continental Casualty Long Term Care Insurance Litigation, City of Cincinnati Pension Litigation, Ford Spark Plug Litigation, Enzyte Consumer Fraud Litigation, GEAE FLSA Litigation, VA Data Theft Litigation, Styrene Railway Car Litigation, Ford and Nissan Auto Defect Litigation, Clayton Home Sales Tax Litigation, Metlife FEGLI Litigation, Mercedes Diesel Emissions Fraud Litigation, MetLife Reduced Pay at 65 Litigation, FCA Chrysler 2.4 Liter Engine Oil Consumption Litigation, Honda Odyssey and Pilot Infotainment Defect Litigation, Acura RDX Infotainment System Litigation, Vitamix Blender Litigation, LeafFilter Gutter Litigation, and Oriented Strand Board Antitrust Litigation. Jeff also served as Special Counsel representing the State of Ohio against the Tobacco industry and was part of the litigation team that achieved an unprecedented $9.86 billion settlement for Ohio taxpayers. He also served as lead counsel on the In re Consolidated Mortgage Satisfaction Cases involving twenty separate class actions. That litigation resulted in a significant Ohio Supreme Court decision defining key aspects of Ohio class action law.

Mr. Goldenberg earned three degrees from Indiana University: a Bachelor of Arts in Biology in 1988 (Phi Beta Kappa); a Master of Science in Environmental Science in 1994; and his Juris Doctor in 1994. Jeff has practiced in all levels of Ohio trial and appellate courts as well as other courts across the nation and is admitted to practice in the State of Ohio and the United States District Court for the Southern and Northern Districts of Ohio, the Northern District of Illinois, and the United States Second, Sixth & Ninth Circuit Courts of Appeal. Jeff is a member of the American Association for Justice, the Ohio State Bar Association, and the Cincinnati Bar Association.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF FREDERIC S. FOX IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Frederic S. Fox, hereby declare and state as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner in the firm of Kaplan Fox & Kilsheimer, LLP ("Kaplan Fox"), one of the law firms representing Plaintiffs in this Action.[1]

2. Kaplan Fox was appointed as Interim Liaison Counsel in this case (Order Appointing Interim Class Counsel Pursuant to Federal Rule of Civil Procedure 23(g), ECF No. 79) and as one of the Settlement Class Counsel in this Action. (Order Granting Preliminary Approval, ECF 137 at 3.) I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards,

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

3. Kaplan Fox has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current and former attorneys from Kaplan Fox, in addition to myself, who have worked on this Litigation are Laurence D. King, Matthew B. George, David Straite, and Walter Howe.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On May 27, 2020, Plaintiff Janet M. Burns, represented by Kaplan Fox and Meyer Wilson Co., LPA, filed a Class Action Complaint against Deloitte alleging common law and consumer protection claims on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 1:20-cv-04077-LJL, Compl., ECF 1.) Plaintiff Burns filed a Statement of Relatedness to the *Culbertson* matter on May 28, 2020. (*Id.*, ECF 8.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, and as Interim Liaison Counsel, Kaplan Fox has actively litigated this case, including, but not limited to: (1) case investigation; (2) drafting of the complaints; (3) settlement discovery; (4) legal research; (5) participating in the Rule 408

discussions and mediation with Interim Lead Counsel and Deloitte; (6) participating in case strategy conferences and decisions; (7) preparing for and attending pertinent hearings; (8) reviewing and revising the settlement agreement and claim forms; and (9) advising Interim Lead Counsel on local practices and finalizing and filing major case documents including the Consolidated Complaint and the Motion for Preliminary Approval. Thus, I am familiar with the proceedings.

II. KAPLAN FOX'S LODESTAR AND LITIGATION EXPENSES

8. This declaration generally summarizes the work performed by Kaplan Fox for Plaintiffs and the Settlement Class Members in this Action. Kaplan Fox has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, filing of the initial *Burns* Complaint, informal discovery, participation in Rule 408 settlement conferences and mediation with Deloitte and Interim Lead Counsel, reviewing and revising the settlement agreement and claim forms, preparing for and attending hearings, advising Interim Lead Counsel on local practice issues, and filing major case documents such as the Consolidated Complaint and the Motion for Preliminary Approval.

9. Not including the time expended in preparing this application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 30, 2021, for Kaplan Fox's attorneys and paralegals:

Name	Total Hours	Hourly Rate	Lodestar
Frederic S, Fox (Partner)	3.30	$1,000	$3,300
Laurence D. King (Partner)	23.30	$940	$21,902
David Straite (Partner)	28.00	$850	$23,800
Matthew B. George (Of Counsel)	131.80	$775	$102,145
Walter Howe (Staff Attorney)	0.50	$425	$212.50
Suzanne Powley (Paralegal)	6.60	$295	$1,947
Nikki Lee (Paralegal)	3.20	$125	$400
Totals	196.70		$153,706.50

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by Kaplan Fox that were reviewed and submitted to Interim Lead Counsel when requested throughout the litigation.

10. The attorneys of Kaplan Fox billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including: *Schneider, et al., v. Chipotle Mexican Grill, Inc.*, No. 16-cv-02200-HSG (N.D. Cal.), ECF No. 232 (finding that Kaplan Fox's hourly rates were "in line with prevailing rates in this district for personnel of comparable experience, skill, and reputation" and citing cases approving rates from $400-$1,250) and in *McKenzie Law Firm, P.A. v. Ruby Receptionists, Inc.*, Case No. 3:18–CV–01921–SI (D. Or.), ECF Nos. 287-3 and 295.

11. During the course of this Action, Kaplan Fox incurred $1,135.84 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of Kaplan Fox and are a true and accurate summary of its expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Telephone, Conference Calls and Facsimile	$0
Court Costs, Filing Fees and Transcripts	$600
Delivery/Courier	$0
Carfare, Travel and Meals	$0
Legal Research	$535.84
Service of Process	$0
TOTAL	**$1,135.84**

12. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. KAPLAN FOX HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF PLAINTIFFS

13. Founded in 1954, Kaplan Fox is one of the most established plaintiffs' litigation practices in the country, and the firm's early commitment to high-stakes litigation continues to define the firm to the present day. The National Law Journal has named Kaplan Fox on its list of the nation's top 10 "hot" litigation boutiques, a list that included both plaintiff and defense firms. Today, Kaplan Fox has 25 lawyers in four litigation practice areas (antitrust, securities, consumer protection and cybersecurity/data privacy). To date, the firm has recovered more than $5 billion for its clients and classes, including matters such as *In re Bank of America Corp. Sec. Deriv., and ERISA Litig.*, No. 1:09-md-020508-PKC (S.D.N.Y.), in which as one of three co-lead counsel, Kaplan Fox recovered $2.425 billion for investors just weeks before trial—one of the largest recoveries in the history of securities class actions; and *In re Air Cargo Shipping Servs., Antitrust Litig.*, No. 06-md-1775 (JG) (VVP) (E.D.N.Y.), in which as one of four co-lead counsel representing direct purchasers alleging violations of antitrust laws, Kaplan Fox recovered more than $1 billion in settlements. A firm biography highlighting these and other significant results is attached as **Exhibit A**.

14. I have played a lead role in many major securities class action cases in the Southern District of New York in which I was appointed lead or co-lead counsel by federal judges, including as a senior member of the litigation and trial team in *In re Bank of America Corp. Sec. Deriv., and ERISA Litig.*, No. 1:09-md-020508-PKC (S.D.N.Y.). *In re Bank of America* settled for $2.425

billion plus significant corporate governance reforms stands as one of the largest securities class action settlements in history. I recently led the team of attorneys that prosecuted an individual opt-out action on behalf of a public pension fund arising out of the fraud at Petrobras in Brazil. Other significant cases in which I have served as lead or co-lead counsel include: *In re Merrill Lynch & Co., Inc. Securities, Derivative, & ERISA Litigation*, No. 07-cv-9633 (S.D.N.Y.) (in which I was the primary attorney responsible for negotiating the $475 million settlement); *In re Fannie Mae 2008 Securities Litigation*, No. 08-cv-7831 (S.D.N.Y.) ("*In re Fannie Mae 2008*") ($170 million settlement); *In re SunPower Securities Litigation*, Case No. 09-cv-5473 (N.D. Cal.); *In re Merrill Lynch Research Reports Securities Litigation* (S.D.N.Y.) (arising from analyst reports issued by Henry Blodget); *In re Salomon Analyst Williams Litigation* (S.D.N.Y.) and *In re Salomon Focal Litigation* (S.D.N.Y.) (both actions stemming from analyst reports issued by Jack Grubman). I have also handled derivative cases seeking corporate governance reform and other shareholder litigation on behalf of public pension funds asserting state law and foreign causes of action. I have been a frequent speaker and panelist in both the U.S and abroad on a variety of topics including securities litigation and corporate governance.

15. My firm also has extensive experience in data privacy and information technology class actions, including successful results in many data breach cases. We were court appointed to the leadership team that obtained $25 million on behalf of financial institutions impacted by Home Depot's massive breach in *In re Home Depot, Inc., Customer Data Security Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.), and were co-lead class counsel in a data breach case against ComplyRight in *Smith, et al., v. ComplyRight, Inc.*, No. 1:18-cv-4990-EEC (N.D. Ill.) ($3 million settlement approved). We also have substantial expertise in medical privacy cases, recently serving as co-lead counsel in a case against CVS/Caremark arising out the unlawful disclosures of

patients' HIV status in *Doe, et al., v. Caremark, et al.*, No. 2:18-cv-00488-EJS (S.D. Ohio) ($4.4 million settlement approved) and are appointed to the executive committee in *In re 21st Century Oncology Data Breach Litig.*, No. 8:16-md-02737-MS (M.D. Fla.), which obtained final approval of a $7.85 million class settlement.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: December 3, 2021

/s/Frederic S. Fox
Frederic S. Fox

EXHIBIT A

KAPLANFOX

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History of Kaplan Fox & Kilsheimer LLP

Leo Kaplan and James Kilsheimer founded "Kaplan & Kilsheimer" in 1954, making the firm one of the most established litigation practices in the country. James Kilsheimer was a celebrated federal prosecutor in the late 1940s and early 1950s in New York who not only successfully tried some of the highest profile cases in the country, but also handled the U.S. Attorney's Office's criminal appeals to the Second Circuit.

Now known as "Kaplan Fox & Kilsheimer LLP," the early commitment to high-stakes litigation continues to define the firm to the present day. In 2009, Portfolio Media's *Law360* ranked Kaplan Fox's securities litigation practice as one of the top 5 in the country (plaintiff side), and again in July 2014, the Legal 500 ranked Kaplan Fox as one of the top eight plaintiff's firms for securities litigation. In March 2013, the *National Law Journal* included Kaplan Fox on its list of the top 10 "hot" litigation boutiques, a list that includes both plaintiff and defense firms. In 2014, 2015 and 2016, more than half of the firm's partners – including attorneys on both coasts – were rated "Super Lawyers."

The firm has three primary litigation practice areas (antitrust, securities, and consumer protection), and the firm is a leader in all three. To date, we have recovered more than **$5 billion** for our clients and classes. In addition, the firm has expanded its consumer protection practice to include data privacy litigation, and few other firms can match Kaplan Fox's recent leadership in this rapidly emerging field. The following describes Kaplan Fox's major practice areas, its most significant recoveries and its attorneys.

Securities Litigation

Over the past 35 years, Kaplan Fox has been a leader in prosecuting corporate and securities fraud —ranging from cases concerning accounting fraud to those involving complicated and complex financial instruments. Since the passage of the Private Securities Litigation Reform Act in 1995, Kaplan Fox has emerged as one of the foremost securities litigation firms representing institutional investors of all sizes, including many of the world's largest public pension funds.

Kaplan Fox's selection by Portfolio Media's Law360 as one of the five top securities litigation firms (plaintiff side) for 2009 was based, in part, on the representation of public pension funds in high profile and complex securities class actions, including ***In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation***; ***In re Bank of America Corp. Securities, ERISA & Derivative Litigation***; ***In re Fannie Mae Securities Litigation***; and ***In re Ambac Financial Group, Inc. Securities Litigation***. Some of the firm's most significant securities recoveries include:

In re Bank of America Corp. Securities, Derivative, and ERISA Litigation, MDL No. 2058 (S.D.N.Y.) ($2.425 billion recovered)

In re Merrill Lynch & Co., Inc. Securities Litigation, Master File No. 07-CV-9633 (JSR) (S.D.N.Y.) ($475 million recovered)

In re 3Com Securities Litigation, No. C-97-21083-EAI (N.D. Cal.) ($259 million recovered)

In re Fannie Mae 2008 Securities Litigation, No. 08-cv-7831 (PAC) (S.D.N.Y.) ($170 million recovered)

In re MicroStrategy Securities Litigation, No. CV-00-473-A (E.D. Va.) ($155 million recovered)

AOL Time Warner Cases I & II (Opt-out) Nos. 4322 & 4325 (Cal. Superior Court, LA County) ($140 million recovered)

In re Informix Securities Litigation, C-97-129-CRB (N.D. Cal.) ($136.5 million recovered)

In re Xcel Energy, Inc. Securities Litigation, Master File No. 02-CV-2677-DSD (D. Minn.) ($80 million recovered)

In re Elan Corporation Securities Litigation, No. 02-CV-0865-RMB (S.D.N.Y.) ($75 million recovered)

In re Sequenom, Inc. Securities Litigation, No. 09-cv-921 (S.D. Cal.) ($70 million recovered)

Barry Van Roden, *et al.* v. Genzyme Corp., *et al.*, No. 03-CV-4014-LLS (S.D.N.Y.) ($64 million recovered)

Antitrust Litigation

Kaplan Fox has been at the forefront of significant private antitrust actions, and we have been appointed by courts as lead counsel or members of an executive committee for plaintiffs in some of the largest antitrust cases throughout the United States. This commitment to leadership in the antitrust field goes back to at least 1967, when firm co-founder Leo Kaplan was appointed by the Southern District of New York to oversee the distribution of all ASCAP royalties under the 1950 antitrust consent decree in ***United States v. American Society of Composers, Authors and Publishers***, No. 41-CV-1395 (S.D.N.Y.), a role he held for 28 years until his death in 1995. To this day, ASCAP awards the "Leo Kaplan Award" to an outstanding young composer in honor of Leo's 28 years of service to ASCAP.

Members of the firm have also argued before the U.S. Courts of Appeals some of the most significant decisions in the antitrust field in recent years. For example, Robert Kaplan argued the appeal in ***In re Flat Glass Antitrust Litigation***, 385 F.3d 350 (3d Cir. 2004), and Greg Arenson argued the appeal in ***In re High Fructose Corn Syrup Antitrust Litigation***, 295 F.3d 651 (7th Cir. 2002). In a relatively recent survey of defense counsel, in-house attorneys, and individuals involved in the civil justice reform movement, both were named among the 75 best plaintiffs' lawyers in the country based on their expertise and influence.

Over the years, Kaplan Fox has recovered over **$2 billion** for our clients in antitrust cases. Some of the larger antitrust recoveries include:

> **In re Air Cargo Shipping Services Antitrust Litigation**, MDL 1775 (E.D.N.Y.) (settled during trial preparation, for total settlement of more than $1.25 billion)

In re Neurontin Antitrust Litigation, MDL No. 1479, Master File No. 02-1390 (D.N.J.) ($190 million recovered)

In re High Fructose Corn Syrup Antitrust Litigation, MDL No. 1087, Master File No. 95-1477 (C.D. Ill.) ($531 million recovered)

In re Brand Name Prescription Drugs Antitrust Litigation, MDL 997 (N.D. Ill.) ($720 plus million recovered)

In re Infant Formula Antitrust Litigation, MDL 878 (N.D. Fla.) ($126 million recovered)

In re Flat Glass Antitrust Litigation, MDL 1200 (W.D. Pa.) ($122 plus million recovered)

In re Hydrogen Peroxide Antitrust Litigation, MDL 1682 (E.D. Pa.) ($97 million recovered)

In re Plastics Additives Antitrust Litigation, 03-CV-1898 (E.D. Pa.) ($46.8 million recovered)

In re Medical X-Ray Film Antitrust Litigation, CV 93-5904 (E.D.N.Y.) ($39.6 million recovered)

In re NBR Antitrust Litigation, MDL 1684 (E.D. Pa.) ($34.3 million recovered)

Consumer Protection and Data Privacy Litigation

The consumer protection practice is headquartered in Kaplan Fox's Bay Area office, which opened in 2000, and is led by Laurence King, an experienced trial lawyer and former prosecutor. Mr. King also recently served as a Vice-Chair, and then Co-Chair, of the American Association for Justice's Class Action Litigation Group.

Mr. King and our other effective and experienced consumer protection litigators regularly champion the interests of consumers under a variety of state and federal consumer protection laws. Most frequently, these cases are brought as class actions, though under certain circumstances an individual action may be appropriate.

Kaplan Fox's consumer protection attorneys have represented victims of a broad array of misconduct in the manufacturing, testing, marketing, and sale of a variety of products and services and have regularly been appointed as lead or co-lead counsel or as a member of a committee of plaintiffs' counsel in consumer protection actions by courts throughout the nation. Among our significant achievements are highly recognized cases including ***In re Baycol Products Litigation***, MDL 1431-MJD/JGL (D. Minn.) (victims have recovered $350 million recovered to date); ***In re Providian Financial Corp. Credit Card Terms Litigation***, MDL No. 1301-WY (E.D. Pa.) ($105 million recovered); ***In re Thomas and Friends Wooden Railway Toys Litig.***, No. 07-cv-3514 (N.D. Ill.) ($30 million settlement obtained for purchasers of recalled "Thomas Train" toys painted with lead paint); ***In re Pre-Filled Propane Tank Marketing and Sales Practices Litigation***, No. 4:09-md-2086 (W.D. Mo.) (settlements obtained where consumers will receive substantially in excess of actual damages and significant injunctive relief); ***Berry v. Mega Brands Inc***., No. 08-CV-1750 (D.N.J.) (class-wide settlement obtained where consumers

will receive full refunds for defective products), and ***David Wolf, et al. v. Red Bull GmBH, et al.***, No. 1:13-cv-08008 (S.D.N.Y.) ($13 million settlement fund obtained for purchasers of Red Bull energy drink).

Recent notable cases include *In re: Apple Inc. Device Performance Litig.*, No. 5:18-MD-2827-EJD (N.D. Cal.) (a global consumer protection and computer intrusion class action with proposed settlement up to $500 million); *Schneider v. Chipotle Mexican Grill, Inc.,* No.16-cv-02200 (N.D. Cal.) (a Non-GMO class action with a settlement approval of $6.5 million).

Data privacy is a fairly new area of law and broadly encompasses two scenarios. In a data breach case, a defendant has lawful custody of data, but fails to safeguard it or use it in an appropriate manner. In a tracking case, the defendant intercepts or otherwise gathers digital data to which it is not entitled in the first place.

Kaplan Fox is an emerging leader in both types of data privacy litigation. For example, Mr. King filed and successfully prosecuted one of very first online data breach cases, ***Syran v. LexisNexis Group***, No. 05-cv-0909 (S.D. Cal.), and was court-appointed liaison counsel in a recently successfully concluded data breach case against LinkedIn. *See* ***In re: LinkedIn User Privacy Litigation***, No. 12-cv-3088-EJD (N.D. Cal.). The firm also settled a data privacy case against Universal Property & Casualty Insurance Company related to the public exposure of sensitive customer data. *See* ***Rodriguez v. Universal Property & Cas. Ins. Co.***, No. 16-cv-60442-JK (S.D. Fla.).

In the past five years alone, we have led or otherwise had court-appointed roles in approximately 10 national class actions including high-profile cases against defendants Facebook, Google, Yahoo, and LinkedIn; two insurance companies; and one data

analytics company. Current cases include ***In re Horizon Healthcare Services, Inc. Data Breach Litigation***, No. 13-cv-07418-CCC-MF (D.N.J.) where Kaplan Fox represents a group of individuals in a class action asserting willful and negligent violations of the Fair Credit Reporting Act ("FCRA"), as well as violations of state law, based on Horizon's failure to adequately protect the Plaintiffs' personal information. Kaplan Fox also represents a group of seven credit unions and where Mr. Robert Kaplan has been appointed by the court as a member of the Steering Committee for the Financial Institution plaintiffs, in a data breach class action against The Home Depot, Inc. See ***In re: The Home Depot, Inc., Customer Data Security Breach Litigation***, 1:14-md-02583-TWT (NDGA). Kaplan Fox was also appointed co-lead class counsel for plaintiffs in *Doe v. Caremark, LLC*, 2:18 -cv-00488 -EAS-CMV (S.D. Oh.) a class action concerning allegations of the violation of medical privacy of approximately 4,500 class members. The Court approved of a $4.4 million settlement of the action on January 30, 2020.

The firm is also an industry leader in the even newer field of email and internet tracking litigation. Kaplan Fox was appointed Co-Lead Class Counsel in a digital privacy class action against Yahoo!, Inc., related to Yahoo's alleged practice of scanning emails for content, which was recently settled. *See* ***In re: Yahoo Mail Litigation***, 5:13-cv-04980-LHK (N.D. Cal.). Current cases include ***In re: Facebook Internet Tracking Litigation***, No. 5:12-md-02314-EJD (N.D. Cal.) (Davila, J.) and ***In re: Google Inc. Cookie Placement Consumer Privacy Litig.***, 12-MD-2358-SLR (D. Del.) (Kaplan Fox appointed to plaintiffs' steering committee).

ATTORNEY BIOGRAPHIES

PARTNERS

ROBERT N. KAPLAN is widely recognized as a leading plaintiff's litigator and has led the prosecution of numerous class actions and shareholder derivative actions, recovering billions of dollars for the victims of corporate wrongdoing. He was recently listed by defense and corporate counsel as one of the top 75 plaintiffs' attorneys in the United States for all disciplines, and has also been ranked as one of the top attorneys in the United States for securities litigation by Legal 500 in each of the last three years. Mr. Kaplan was recognized as Super Lawyer in the New York Metro Area. He was lead counsel for CalPERS in *AOL Time Warner Cases I & II* (Ca. Sup. Ct., L.A. Cty.), and was a lead in *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, *In re Escala Securities Litigation* and *In re Bank of America Corp. Securities Litigation*, in which a settlement in the amount of $2.425 billion and corporate governance changes was approved by the Court.

In the antitrust arena, Mr. Kaplan earned a reputation as a leading litigator. He is a lead counsel in *In re Air Cargo Antitrust Litigation* (more than $1.25 billion in settlements) and was recently appointed by Courts as lead counsel in the *DIPF Antitrust Litigation*, *In re Cast Iron Soil Pipe and Fittings Antitrust Litigation*, and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*.

He also represents clients in private antitrust actions, including: *Affiliated Foods, Inc., Associated Grocers of New England, Inc., URM Stores, Inc., Western Family Foods, Inc., and Associated Food Stores, Inc.* in individual cases against *Tri-Union Seafoods, LLC, d/b/a Chicken of the Sea, King Oscar, Inc., Bumble Bee Foods, LLC f/k/a Bumble Bee Seafoods, LLC, and StarKist Co.*, No. 15-cv-4312, No. 15-cv-3815, No. 15-cv-4187, No. 15-cv-4667 (N.D. Cal.).

He previously served, as lead counsel or member of the Executive Committee in numerous plaintiff treble damage actions including *In re Neurontin Antitrust Litigation*, MDL No. 1479, Master File No. 02-1390 (D.N.J.) ($190 million recovered); *In re High Fructose Corn Syrup Antitrust Litigation*, MDL No.1087, Master File No. 95-1477 (C.D. Ill) ($531 million recovered); *In re Brand Name Prescription Drugs Antitrust Litigation*, MDL

997 (N.D. Ill.) ($720 plus million recovered); *In re Infant Formula Antitrust Litigation*, MDL 878 (N.D. Fla.)($126 million recovered); *In re Flat Glass Antitrust Litigation*, MDL 1200 (W.O. Pa.) ($122 plus million recovered) (Mr. Kaplan successfully argued an appeal before the U.S. Court of Appeals for the Third Circuit, which issued a ground-breaking and often-cited summary judgment opinion. *In re Flat Glass Antitrust Litigation*, 385 F.3d 350 (3d ar. 2004); *In re Hydrogen Peroxide Antitrust Litigation*, MDL 1682 (E.D. Pa.)($97 million recovered); *In re Plastics Additives Antitrust Litigation*, 03-CV-1898 (E.D.Pa.) ($46.8 million recovered); *In re Medical X-Ray Film Antitrust Litigation*, CV 93-5904 (E.D.N.Y.) ($39.6 million recovered); and *In re NBR Antitrust Litigation*, MDL 1684 (E.D. Pa.) ($34.3 million recovered).

Mr. Kaplan is currently representing financial institutions across the country in data breach cases against Home Depot and is a member of the Plaintiffs' Steering Committee. He is also representing a group of individuals in a class against Horizon Healthcare Services alleging willful and negligent violations of the Fair Credit Reporting Act, as well as violations of state law, based on Horizon's failure to adequately protect the Plaintiffs' personal information.

Mr. Kaplan honed his litigation skills as a trial attorney with the Antitrust Division of the U.S. Department of Justice. There, he gained significant experience litigating both civil and criminal actions. He also served as law clerk to the Hon. Sylvester J. Ryan, then chief judge of the U.S. District Court for the Southern District of New York and served as an acting judge of the City Court for the City of Rye, N.Y.

In addition to his litigation practice, he has also been active in bar and legal committees. For more than fifteen years, he has been a member of what is now known as the Eastern District of New York's Courts Committee on Civil Litigation.

Mr. Kaplan has also been actively involved in the Federal Bar Council, an organization of judges and attorneys in the Second circuit and is a member of the Program and Winter Planning Committees.

Recently Mr. Kaplan was invited by the United States Judicial Center and participated in a multi-day seminar for federal judges about complex litigation.

In addition, Mr. Kaplan has served as a member of the Trade Regulation and Federal Courts Committees of the Association of the Bar of the City of New York.

Mr. Kaplan's published articles include: "Complaint and Discovery In Securities Cases," Trial, April 1987; "Franchise Statutes and Rules," Westchester Bar Topics, Winter 1983; "Roots Under Attack: Alexander v. Haley and Courlander v. Haley," Communications and the Law, July 1979.

Mr. Kaplan sits on the boards of several organizations, including the Columbia Law School Board of Visitors, Board of Directors of the Carver Center in Port Chester, N.Y., Member of the Dana Farber Visiting Committee, Thoracic Oncology in Boston, MA, and Member of Board of Trustees for the Rye Historical Society.

Education:

- B.A., Williams College (1961)
- J.D., Columbia University Law School (1964)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1964)
- Bar of the District of Columbia (2013)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third, Seventh, Ninth, Tenth and Eleventh Circuits
- U.S. District Courts for the Southern, Eastern, Western and Northern Districts of New York, the Central District of Illinois, and the District of Arizona

Professional Affiliations:

- Federal Bar Council
- Committee to Support the Antitrust Laws (past President)
- National Association of Securities and Commercial Law Attorneys (past President)
- Advisory Group of the U.S. District Court for the Eastern District of New York
- American Bar Association
- Association of Trial Lawyers of America (Chairman, Commercial Litigation Section, 1985-86)
- Association of the Bar of the City of New York (served on the Trade Regulation Committee; Committee on Federal Courts)
- Member of Board of Trustees for the Rye Historical Society

Mr. Kaplan can be reached by email at: RKaplan@kaplanfox.com

FREDERIC S. FOX first associated with Kaplan Fox in 1984 and became a partner in the firm in 1991. For over 30 years, he has concentrated his practice in class action, opt-out and other complex litigation, particularly securities, consumer and antitrust cases. He was one of the lead trial lawyers in two securities class actions, one of which was the first case tried to verdict under the Private Securities Litigation Reform Act of 1995.

Mr. Fox has been a lead counsel in many major securities class action cases, including as a senior member of the litigation and trial team in *In re Bank of America Corp. Securities, ERISA, & Derivative Litigation*, No. 09-MDL-2058 (S.D.N.Y.) ("*In re Bank of America*"). The case arose out of Bank of America's acquisition of Merrill Lynch. *In re Bank of America* which settled for $2.425 billion plus significant corporate governance reforms and stands as one of the largest securities class action settlements in history. In *In re Bank of America*, Mr. Fox served as lead counsel on behalf of major public pension funds.

Mr. Fox counsels the firm's many public pension fund clients on seeking redress in foreign jurisdictions or bringing an individual action in the U.S. to adequately protect and recover lost assets in cases involving foreign securities. Mr. Fox recently settled claims in an individual opt-out action on behalf of a public pension fund arising out of the fraud at Petrobras in Brazil. Other significant cases in which Mr. Fox served as lead counsel include: *In re Merrill Lynch & Co., Inc. Securities, Derivative, & ERISA Litigation*, No. 07-cv-9633 (S.D.N.Y.)(in which he was the primary attorney responsible for negotiating the $475 million settlement); *In re Fannie Mae 2008 Securities Litigation*, No. 08-cv-7831 (S.D.N.Y.) ("*In re Fannie Mae 2008*") ($170 million settlement); *In re SunPower Securities Litigation*, Case No. 09-cv-5473 (N.D. Cal.); *In re Merrill Lynch Research Reports Securities Litigation* (S.D.N.Y.) (arising from analyst reports issued by Henry Blodget); *In re Salomon Analyst Williams Litigation* (S.D.N.Y.) and *In re Salomon Focal Litigation* (S.D.N.Y.) (both actions stemming from analyst reports issued by Jack Grubman). Mr. Fox has also handled derivative cases seeking corporate governance reform and other shareholder litigation on behalf of public pension funds asserting state law and foreign causes of action. Mr. Fox is a frequent speaker and panelist in both the

U.S and abroad on a variety of topics including securities litigation and corporate governance.

In the consumer protection area, Mr. Fox was co-lead counsel in *In re: Apple Inc. Device Performance Litig.*, No. 5:18-MD-2827-EJD (N.D. Cal.). In March 2021, the court formally approved a settlement of up to $500 million. Another notable case includes the non-GMO class action of *Schneider v. Chipotle Mexican Grill, Inc.*, No.16-cv-02200 (N.D. Cal.) and *In re: Yahoo! Mail Litigation*, No. 5:13-cv-04980-LHK (N.D. Cal.). He served on the Plaintiffs' Steering Committee in the *Baycol Products Litigation* where there were more than $350 million in settlements.

Mr. Fox is also active in the firm's growing data privacy and cyberlaw practice. He served as co-lead counsel for plaintiffs in this digital privacy class action, challenging Yahoo's practice of "scanning" incoming and outgoing emails for content, in order to target advertising more effectively. On August 25, 2016, Judge Lucy Koh granted final approval of an innovative settlement in which Yahoo agreed to change its email delivery architecture to comply with California privacy law. See *In re Yahoo Mail Litig.*, 2016 WL 4474612, *10 (N.D. Cal., Aug. 26, 2016).

Mr. Fox is listed in the current editions of New York Super Lawyers and was recognized in Benchmark Litigation as a New York "Litigation Star."

Mr. Fox is the author of "Current Issues and Strategies in Discovery in Securities Litigation," ATLA, 1989 Reference Material; "Securities Litigation: Updates and Strategies," ATLA, 1990 Reference Material; and "Contributory Trademark Infringement: The Legal Standard after Inwood Laboratories, Inc. v. Ives Laboratories," University of Bridgeport Law Review, Vol. 4, No. 2.

During law school, Mr. Fox was the notes and comments editor of the University of Bridgeport Law Review.

Education:

- B.A., Queens College (1981)
- J.D., Bridgeport School of Law (1984)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1985)
- Bar of the District of Columbia (2013)

- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second, Fourth, Sixth and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York, the District of Colorado and the District of Columbia

Professional Affiliations:

- Federal Bar Council
- American Bar Association
- Association of the Bar of the City of New York
- Association of Trial Lawyers of America (Chairman, Commercial Law Section, 1991-92)

Mr. Fox can be reached by email at: FFox@kaplanfox.com

GREGORY K. ARENSON is a seasoned business litigator with experience representing clients in a variety of areas, including antitrust, securities, and employee termination. Mr. Arenson is principally a plaintiffs' antitrust lawyer. His economics and econometrics background have provided a foundation for his recognized expertise in handling complex economic issues in antitrust cases, both as to class certification and on the merits. He has worked with economic experts in, among others, *In re Air Cargo Shipping Servs. Antitrust Litig.*, Master File No. 06-MD-1175 (JG)(VVP), 2014 WL 7882100 (E.D.N.Y. Oct. 15, 2014), *adopted in its entirety*, 2015 WL 5093503 (E.D.N.Y. July 10, 2015); *In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litig.*, 256 F.R.D. 82 (D. Conn. 2009); *In re Foundry Resins Antitrust Litig.*, 242 F.R.D. 393 (S.D. Ohio 2007); *In re Carbon Black Antitrust Litig.*, No. Civ. A. 03-10191-DPW, MDL No. 1543, 2005 WL 102966 (D. Mass. Jan. 18, 2005); *In re Microcrystalline Cellulose Antitrust Litig.*, 218 F.R.D. 79 (E.D. Pa. 2003); *Bearings Cases*, Case No. 12-00501, and *Wire Harness Cases*, Case No. 12-00101, part of *In re Automotive Parts Antitrust Litig.*, E.D. Mich., Master File No. 12-md-02311; *Affiliated Foods, Inc., et al. v. Tri-Union Seafoods, LLC d/b/a Chicken of the Sea Int'l, et al.*, part of *In re Packaged Seafood Prods. Antitrust Litig.*, S.D. Cal., Case No. 15-MD-2670 JLS (MDD); *In re Domestic Airline Travel Antitrust Litig.*, D.D.C., MDL Docket No. 2656, Misc. No. 15-1404 (CKK); *In re Dental Supplies*

Antitrust Litig., E.D.N.Y., Case No. 16-cv-696 (BMC)(GRB); *In re Ductile Iron Pipe Fittings ("DIPF") Direct Purchaser Antitrust Litig.*, D.N.J., Civ. No. 12-711 (AET)(LHG); *In re Cast Iron Soil Pipe & Fittings Antitrust Litig.*, E.D. Tenn., No. 1:14-md-2508; and *In re Pool Prods. Distribution Mkt. Antitrust Litig.*, E.D. La., MDL No. 2328. He also argued the appeals in *In re High Fructose Corn Syrup Antitrust Litig.*, 295 F.3d 651 (7th Cir. 2002), and *In re Hydrogen Peroxide Antitrust Litig.*, 552 F.3d 305 (3d Cir. 2009). He has been ranked as a Super Lawyer for several years.

Mr. Arenson has been a partner in Kaplan Fox & Kilsheimer LLP since 1993. Prior to joining Kaplan Fox, he was a partner with Proskauer Rose LLP. Earlier in his career, he was a partner with Schwartz Klink & Schreiber and an associate with Rudnick & Wolfe (now DLA Piper).

Mr. Arenson has been active in the New York State Bar Association. He has been a member of the House of Delegates and Sections Caucus from 2013 to 2017 and since June 2019. He was Chair of the Commercial and Federal Litigation Section from June 2013 through May 2014. He has been Co-Chair of the New York State Bar Association Task Force on the State of Our Courthouses, whose report was adopted by the House of Delegates on June 20, 2009; a member of the New York State Bar Association Special Committee on Standards for Pleadings in Federal Litigation, whose report was adopted by the House of Delegates on June 19, 2010; and a member of the New York State Bar Association Special Committee on Discovery and Case Management in Federal Litigation, whose report was adopted by the House of Delegates on June 23, 2012.

Mr. Arenson has written frequently on discovery issues. His published articles include: "Rule 68 Offers of Judgment and Mootness, Especially for Collective or Class Actions," 20 NY LITIGATOR 25 (2015); "Report on Proposed Amendments to Federal Rule of Civil Procedure 45," 17 NY LITIGATOR 21 (2012); "Rule 8 (a)(2) After *Twombly*: Has There Been a Plausible Change?" 14 NY LITIGATOR 23 (2009); "Report on Proposed Federal Rule of Evidence 502," 12 NY LITIGATOR 49 (2007); "Report: Treating the Federal Government Like Any Other Person: Toward a Consistent Application of Rule 45," 12 NY LITIGATOR 35 (2007); "Report of the Commercial and Federal Litigation Section on the Lawsuit Abuse Reduction Act of 2005," 11 NY LITIGATOR 26 (2006); "Report Seeking To Require Party Witnesses Located Out-Of-State Outside 100 Miles To

Appear At Trial Is Not A Compelling Request," 11 NY LITIGATOR 41 (2006); "Eliminating a Trap for the Unwary: A Proposed Revision of Federal Rule of Civil Procedure 50," 9 NY LITIGATOR 67 (2004); "Committee Report on Rule 30(b)(6)," 9 NY LITIGATOR 72 (2004); "Who Should Bear the Burden of Producing Electronic Information?" 7 FEDERAL DISCOVERY NEWS, No. 5, at 3 (April 2001); "Work Product vs. Expert Disclosure – No One Wins," 6 FEDERAL DISCOVERY NEWS, No. 9, at 3 (August 2000); "Practice Tip: Reviewing Deposition Transcripts," 6 FEDERAL DISCOVERY NEWS, No. 5, at 13 (April 2000); "The Civil Procedure Rules: No More Fishing Expeditions," 5 FEDERAL DISCOVERY NEWS, No. 9, at 3 (August 1999); "The Good, the Bad and the Unnecessary: Comments on the Proposed Changes to the Federal Civil Discovery Rules," 4 NY LITIGATOR 30 (1998); and "The Search for Reliable Expertise: Comments on Proposed Amendments to the Federal Rules of Evidence," 4 NY LITIGATOR 24 (1998). He was co-editor of FEDERAL RULES OF CIVIL PROCEDURE, 1993 AMENDMENTS, A PRACTICAL GUIDE, published by the New York State Bar Association; and a co-author of "Report on the Application of Statutes of Limitation in Federal Litigation," 53 ALBANY LAW REVIEW 3 (1988).

Mr. Arenson serves as a mediator in the U.S. District Court for the Southern District of New York. In addition, he is an active alumnus of the Massachusetts Institute of Technology, having served as a member of the Corporation, a member of the Corporation Development Committee, vice president of the Association of Alumni/ae, and member of the Annual Fund Board (of which he was a past chair).

Education:

- S.B., Massachusetts Institute of Technology (1971)
- J.D., University of Chicago (1975)

Bar Affiliations and Court Admissions:

- Bar of the State of Illinois (1975)
- Bar of the State of New York (1978)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third and Seventh Circuits
- U.S. District Courts for the Northern and Central Districts of Illinois, Southern and Eastern Districts of New York, and Eastern District of Michigan

- U.S. Tax Court

Mr. Arenson can be reached by email at: GArenson@kaplanfox.com

LAURENCE KING first joined Kaplan Fox as an associate in 1994 and became a partner of the firm in 1998. While Mr. King initially joined the firm in New York, in 2000 he relocated to San Francisco to open the firm's first West Coast office. He is now partner-in-charge of the firm's San Francisco and Los Angeles offices.

Mr. King practices primarily in the areas of securities litigation, with an emphasis on institutional investor representation and consumer protection litigation. He has also practiced in the area of employment litigation. Mr. King has played a substantial role in cases that have resulted in some of the largest recoveries ever obtained by Kaplan Fox, including: *In re Bank of America Corp. Securities, ERISA & Derivative Litig.* (S.D.N.Y.); *In re 3Com Securities Litigation* (N.D. Ca.), *In re Informix Securities Litigation* (N.D. Ca.), *AOL Time Warner Cases I & II* (Ca. Sup. Ct., L.A. Cty.) and *Providian Credit Card Cases* (Ca. Sup. Ct., S.F. Cty.).

An experienced trial lawyer, prior to joining Kaplan Fox Mr. King served as an assistant district attorney under the legendary Robert Morgenthau in the Manhattan (New York County) District Attorney's Office, where he tried numerous felony prosecutions to jury verdict. At Kaplan Fox, he was a member of the trial team for two securities class actions tried to verdict, *In re Biogen Securities Litigation* (D. Mass.) and *In re Health Management Securities Litigation* (E.D.N.Y.). Mr. King has also participated in trial preparation for numerous other cases in which favorable settlements were achieved for our clients on or near the eve of trial.

Mr. King has been selected for inclusion in the Northern California *SuperLawyers* each year since 2012, and has previously served as Vice-Chair, and then as Co-Chair, of the American Association for Justice's Class Action Litigation Group of the American Association for Justice. He was also selected for inclusion to the San Francisco Super Lawyers list (Securities Litigation) for 2012, 2013, 2014 and 2015.

Education:

- B.S., Wharton School of the University of Pennsylvania (1985)
- J.D., Fordham University School of Law (1988)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1989)
- Bar of the State of California (2000)
- U.S. Court of Appeals for the Second and Ninth Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York, and Northern, Central and Southern Districts of California

Professional Affiliations:

- Bar Association of San Francisco
- American Bar Association
- American Association for Justice
- San Francisco Trial Lawyers' Association
- American Business Trial Lawyers

Mr. King can be reached by email at: LKing@kaplanfox.com

JOEL B. STRAUSS Joel Strauss joined Kaplan Fox in 1992 and has approximately 30 years of experience in securities and other complex litigation. Although currently practicing exclusively as a lawyer, Mr. Strauss is a licensed Certified Public Accountant in the State of New York and that background is particularly helpful in cases involving accounting and/or auditing issues. Prior to joining Kaplan Fox, Mr. Strauss served as a senior auditor with Coopers & Lybrand (n/k/a PricewaterhouseCoopers). Combining his accounting background and legal skills, he has played a critical role in successfully prosecuting numerous securities class actions across the country on behalf of public pension fund clients. He is currently involved in representing institutional clients in actions against Dr. Reddy's Laboratories, Ltd. and others. Mr. Strauss also played an active role in the securities class action against Countrywide Financial Corp. which settled for more than $600 million. Mr. Strauss served as Co-Chair of the Non-Party Discovery Committee in *In re Baycol Products Litigation*, MDL No. 1431-MJD/JG (D. Minn.) ($350 million in settlements), a class action brought on behalf of consumers who took a dangerous and defective drug which was recalled from the market. In recent years Mr. Strauss has also had leadership and active roles on behalf of plaintiffs in data privacy cases.

Mr. Strauss has also been involved in representing the firm's institutional clients in the following securities class actions, among others: *In re Bank of America Corp. Securities, ERISA & Derivative Litig.* (S.D.N.Y.) ($2.425 billion settlement); *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litig.* (S.D.N.Y.) ($475 million settlement); *In re Prestige Brands Holdings Inc. Securities Litig.* (S.D.N.Y.) ($11 million settlement); *In re Gentiva Securities Litig.* (E.D.N.Y.) ($6.5 million settlement); and *In Re SunPower Securities Litig.* (N.D.Cal) ($19.7 million settlement). He has also served as lead counsel for lead plaintiffs in *In re OCA, Inc. Securities Litig.* (E.D. La.) ($6.5 million settlement); *In re Proquest Company Securities Litig.* (E.D. Mich.) ($20 million settlement) and *In re Rocket Fuel, Inc. Securities Litig.* (N.D.Cal.) ($3.15 million settlement). Mr. Strauss also played an active role for plaintiff investors in *In Re Countrywide Financial Corporation Securities Litig.* (C.D.Cal), which settled for more than $600 million.

In the consumer protection area, Mr. Strauss is currently serving as lead counsel in a proposed class action alleging that Avis Budget wrongfully charged car rental customers for alleged parking, traffic, and toll violations, along with an associated administrative fee, in violation of the New Jersey Consumer Fraud Act. See *Valli, et. al. v. Avis Budget Group, Inc., et. al.*, No. 2:14-cv-06072-CCC-JBC (D N.J.)

In recent years, Mr. Strauss has also had leadership and active roles in the firm's growing data privacy practice. In July 2017 he moderated a panel on U.S. Data Privacy Laws at a conference in Tel Aviv. And, among other data privacy cases in which he has played an active role, Mr. Strauss served as one of plaintiffs' co-lead counsel in *Doe vs. CVS Healthcare Corp., et. al.,* (S.D. Ohio), a class action concerning allegations of the violation of medical privacy of approximately 4,500 class members. The Court approved of a $4.4 million settlement of the action on January 30, 2020.

Mr. Strauss has also been a guest lecturer on the topics of securities litigation, auditors' liability and class actions for seminars sponsored by the Practicing Law Institute, the National Consumer Law Center and the Association of the Bar of the City of New York and is an adjunct instructor in the Political Science department at Yeshiva University.

Since June 2014 Mr. Strauss has served as a member of the New York State Bar Association's Committee on Legal Education and Admission to the Bar. And, in July 2018,

Mr. Strauss was invited to serve as a member of the Rutgers Cybersecurity Advisory Board.

Among his various communal activities, Mr. Strauss currently serves as Co-President of Friends of Jerusalem College of Technology (Machon Lev), is a member of Yeshiva University's General Counsel's Council, a member of the Alumni Advisory Group at the Benjamin N. Cardozo School of Law, serves as Chair of the Career Guidance and Placement Committee of Yeshiva University's Undergraduate Alumni Council, is on the Board of Directors of Yavneh Academy in Paramus, NJ (and is a former Vice -President and Finance Committee Chair of the school) and is an Advisory Board Member and Mentor in the Orthodox Union's Impact Accelerator program.

In March 2001 the New Jersey State Assembly issued a resolution recognizing and commending Mr. Strauss for his extensive community service and leadership. In 2012 Mr. Strauss received The Alumni Partner of the Year Award from Yeshiva University's Career Development Office.

Education:

- B.A., Yeshiva University (1986)
- J.D., Benjamin N. Cardozo School of Law (1992)
- HBX|Harvard Business School, Certificate in Entrepreneurship Essentials (2017)
- AICPA - Cybersecurity Fundamentals for Finance and Accounting Professionals Certificate (2018)

Bar Affiliations and Court Admissions:

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. Court of Appeals for the First, Second and Third Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York and the District of New Jersey

Professional Affiliations:

- American Bar Association (member, Litigation Section, Rule 23 subcommittee)
- Association of the Bar of the City of New York
- New York State Bar Association

- American Institute of Certified Public Accountants

Mr. Strauss can be reached by email at: JStrauss@kaplanfox.com

HAE SUNG NAM joined Kaplan Fox in 1999 and became a partner of the firm in 2005. Since joining the firm, Ms. Nam has been representing consumers, employees, and investors in complex class actions and multi-district litigation in districts throughout the country for over 20 years.

Ms. Nam has played integral roles in a number of the firm's notable cases, including *In re Bank of America Corp., Securities, Derivative, and ERISA Litigation*, No. 1:09-md-020508-PKC (S.D.N.Y.), *In re Fannie Mae Securities Litigation*, No. 08-cv-7831-PAC (S.D.N.Y.), and *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-411-NRB (S.D.N.Y.).

Ms. Nam also has substantial experience prosecuting antitrust matters on behalf of various classes and opt-outs, including *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, 1:14-md-02542 (S.D.N.Y), *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 1:05-md-01720 (E.D.N.Y), and *In re Flat Glass Antitrust Litigation*, No. 03-cv-2920 (W.D. Pa.). Recently, Ms. Nam was appointed interim co-lead counsel by U.S. District Court Judge James Donato in the important Google Play Store antitrust litigation concerning Google's alleged anticompetitive use of contractual and technological barriers to foreclose Android users' ability to utilize app distribution platforms other than Google Play Store. See *In re Google Play Consumer Antitrust Litigation,* 20-cv-05761 (N.D. Cal).

Ms. Nam also has a focus on prosecuting opt-out securities actions on behalf of the firm's public pension fund clients. Ms. Nam was one of the core team members that recently prosecuted and settled an opt-out action on behalf of Ohio PERS arising out of the fraud at Petrobras in Brazil. She also played a significant role in *AOL Time Warner Cases I & II* and *State Treasurer of the State of Michigan v. Tyco International, Ltd.*, No. 08-cv-1340 (D.N.H.).

Prior to joining the firm, Ms. Nam was an associate with Kronish Lieb Weiner & Hellman LLP, where she trained as a transactional attorney in general corporate securities law and mergers and acquisitions.

Ms. Nam graduated magna cum laude, with a dual degree in political science and public relations from Syracuse University's Maxwell School and S.I. Newhouse School of Public Communications. Ms. Nam obtained her law degree, with honors, from George Washington University Law School. During law school, Ms. Nam was a member of the George Washington University Law Review. She is the author of a case note, "Radio—Inconsistent Application Rule," 64 Geo. Wash. L. Rev. (1996). In addition, she also served as an intern for the U.S. Department of Justice, Antitrust Division.

Education:

- B.A., magna cum laude, Syracuse University (1994)
- J.D., with honors, George Washington University Law School (1997)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1998)
- U.S. District Courts for the Southern and Eastern Districts of New York

Ms. Nam can be reached by email at: HNam@kaplanfox.com

DONALD R. HALL first associated with Kaplan Fox in 1998 and became a partner of the firm in 2005. For over 20 years, he has concentrated his practice in class action, opt-out and other complex litigation, particularly securities, consumer and antitrust cases. Mr. Hall is actively involved in maintaining and establishing the firm's relationship with institutional investors and oversees the Portfolio Monitoring and Case Evaluation Program for the firm's numerous institutional investors. Mr. Hall counsels the firm's institutional clients on seeking redress in foreign jurisdictions or bringing an individual action in the U.S. to adequately protect and recover lost assets involving foreign securities. Mr. Hall was a member of the trial team prosecuting *In re Bank of America*, which settled for $2.425 billion, the single largest securities class action recovery for violations of Section 14(a) of the Securities Exchange Act of 1934 and one of the top securities litigation settlements obtained in history. Mr. Hall also recently represented public pension fund clients in *In re Eletrobras Secs. Litig.,* No. 15-cv-5754, as co-lead counsel representing the Employee Retirement System of the City of Providence ("City of Providence") in a class action against a Brazilian company, and in *Kasper v. AAC Holdings, Inc.*, No. 15-cv-923 (M.D. Tenn.), as co-lead counsel representing Arkansas

Teacher Retirement System ("ATRS"). Mr. Hall successfully represented institutional clients in *In re Merrill Lynch*, which settled for $475 million; *In re Fannie Mae* 2008, which settled for $170 million; *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-cv-411 (S.D.N.Y.); *In re Majesco Securities Litigation*, No. 05-cv-3557 (D.N.J.); and *In re Escala Group, Inc. Securities Litigation,* No. 05-cv-3518 (S.D.N.Y.). Additionally, he was a member of the litigation team in *AOL Time Warner Cases I & II*, an opt-out action brought by institutional investors that settled just weeks before trial.

Mr. Hall currently represents the Colleges of Applied Arts and Technology Pension Plan in *In re Vale, S.A. Securities Litigation,* 19-cv-00526 (E.D.N.Y.); the City of Warwick Retirement Fund in *Lewis v. YRC Worldwide, Inc., et al.*, 19cv00001 (N.D.N.Y.); and IWA Forest Industry Pension Plan in *In re Textron, Inc. Securities Litigation,* 19-cv-7881 (S.D.N.Y.).

Mr. Hall has played a key role in some of the Firm's antitrust actions, inlcuding *In re Flat Glass Antitrust Litigation*; *In re Compact Disc Antitrust Litigation*; and *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*. He is currently part of the litigation team representing consumers in *In re Google Play Consumer Antitrust Litigation,* 20-cv-05761 (N.D. Cal) concerning Google's alleged anticompetitive use of contractual and technological barriers to foreclose Android users' ability to utilize app distribution platforms other than Google Play Store.

In the consumer protection area, Mr. Hall was co-lead counsel in *In re: Apple Inc. Device Performance Litig.*, No. 5:18-MD-2827-EJD (N.D. Cal.). In March 2021, the court formally approved a settlement of up to $500 million. Another notable case includes the non-GMO class action of *Schneider v. Chipotle Mexican Grill, Inc.,* No.16-cv-02200 (N.D. Cal.) and *In re: Yahoo! Mail Litigation*, No. 5:13-cv-04980-LHK (N.D. Cal.).

Mr. Hall is also active in the firm's growing data privacy and cyberlaw practice. He served as co-lead counsel for plaintiffs in this digital privacy class action, challenging Yahoo's practice of "scanning" incoming and outgoing emails for content, in order to target advertising more effectively. On August 25, 2016, Judge Lucy Koh granted final approval of an innovative settlement in which Yahoo agreed to change its email delivery architecture to comply with California privacy law. See *In re Yahoo Mail Litig.*, 2016 WL 4474612, *10 (N.D. Cal., Aug. 26, 2016).

Mr. Hall graduated from the College of William and Mary in 1995 with a B.A. in Philosophy and obtained his law degree from Fordham University School of Law in 1998. During law school, Mr. Hall was a member of the Fordham Urban Law Journal and a member of the Fordham Moot Court Board. He also participated in the Criminal Defense Clinic, representing criminal defendants in federal and New York State courts on a pro-bono basis.

Education:

- B.A., College of William and Mary (1995)
- J.D., Fordham University School of Law (1998)

Bar Affiliations and Court Admissions:

- Bar of the State of Connecticut
- Bar of the State of New York
- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- American Bar Association
- Association of Trial Lawyers of America
- New York State Bar Association

Mr. Hall can be reached by email at: DHall@kaplanfox.com

JEFFREY P. CAMPISI is involved in representing the firm's institutional and individual clients in securities and shareholder actions, and other complex litigation.

Mr. Campisi currently represents the Colleges of Applied Arts and Technology Pension Plan in *In re Vale, S.A. Securities Litigation,* 19-cv-00526 (E.D.N.Y.); the City of Warwick Retirement Fund in *Lewis v. YRC Worldwide, Inc., et al.*, 19cv00001 (N.D.N.Y.), IWA Forest Industry Pension Plan in *In re Textron, Inc. Securities Litigation,* 19-cv-7881 (S.D.N.Y.); and *Julia Junge and Richard Junge v. Geron Corp. et al.*, 20-cv-547 WHA (N.D. Cal.); *Gluck v. Hecla Mining Company*, 19-cv-4883 (ALC) (S.D.N.Y.); and *Rotunno v. David M. Wood, et al.*, 1:20-cv-2357 (ER) (S.D.N.Y.).

In the past, Mr. Campisi represented Oklahoma Police Pension and Retirement Fund (as liaison counsel) in *Milbeck v. Truecar, Inc. et al.,* 18-cv-2612 (C.D. Cal.) ($28.25 million recovered); the Tennessee Consolidated Retirement System in *In re Fannie Mae 2008 Securities Litigation*, 08cv7831 (S.D.N.Y.) ($170 million recovered); State Teachers' Retirement System of Ohio in *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation*, 07cv9633 (S.D.N.Y.) ($475 million recovered), one of the largest recoveries in a securities class action; the Virginia Retirement System in *In re Escala Group, Inc. Securities Litigation*, 06cv3518 (S.D.N.Y.) ($18 million in cash and stock recovered); the Los Angeles City Employees' Retirement System in *In re Sequenom, Inc. Securities Litigation*, 09cv921 (S.D. Cal.) ($70 million in cash and stock recovered by the time of distribution), and significant corporate governance reforms) and in *In re Gentiva Securities Litigation*, 10cv5064 (E.D.N.Y.) ($6.5 million recovered).

Other cases include *Schueneman v. Arena Pharms., et al.*, 10cv1959 (S.D. Cal.) ($24 million recovered); *Kasper v. AAC Holdings, Inc., et al.*, 15cv923 (M.D. Tenn.) ($25 million recovered); *In re SandRidge Energy, Inc. Shareholder Derivative Litigation*, No. CIV-13-102-W (W.D. Okla.) ($38.5 million recovered); *In re Violin Memory, Inc. Securities Litigation,* 13cv5486 (N.D. Cal.) ($7.5 million recovered); *In re Nevsun Resources Ltd.*, 12cv1845 (S.D.N.Y.) (approximately $6 million settlement); *In re Countrywide Financial Corporation Securities Litigation*, 07cv5295 (C.D. Cal) ($624 million recovered), *In re Proquest Company Securities Litigation*, 06cv10619 (E.D. Mich.) ($20 million recovered), and *Friedman v. Penson Worldwide, Inc.*, 11cv2098 (N.D. Tex.) ($6.5 million recovered).

Mr. Campisi served as a law clerk to the Late Honorable Herbert J. Hutton, United States District Judge for the United States District Court for the Eastern District of Pennsylvania.

Education:

- B.A., cum laude, Georgetown University (1996)
- J.D., summa cum laude, Villanova University School of Law (2000)
  Member of Law Review and Order of the Coif

Bar affiliations and court admissions:

- Bar of the State of New York
- U.S. Courts of Appeals for the Ninth and Tenth Circuits

- U.S. District Courts for the Southern, Eastern, Northern and Western Districts of New York, and Western District of Tennessee

Professional affiliations:

- Federal Bar Council
- American Association for Justice

Mr. Campisi can be reached by email at: jcampisi@kaplanfox.com

MELINDA CAMPBELL has been associated with Kaplan Fox since September 2004 and became a partner of the firm in 2012. She represents investors and institutions in securities fraud class action litigation.

Mrs. Campbell's noteworthy cases include: *In re Bank of America Corp. Securities Litigation*, MDL No. 2058 (S.D.N.Y.); *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-cv-411(NRB) (S.D.N.Y.); *In re Fannie Mae 2008 Securities Litigation*, No. 08-cv-7831(PAC) (S.D.N.Y.), *In re Eletrobras Securities Litigation*, No. 15-cv-5754 (S.D.N.Y.) ($14.75 million settlement), and *Ollila v. Babcock & Wilcox Enterprises Inc.*, No. 3:17-cv-109 (WDNC) ($19.5 million settlement). Mrs. Campbell currently represents Colleges of Applied Arts and Technology Pension Plan in *In re Vale S.A. Securities Litigation*, No. 19-cv-526 (E.D.N.Y.).

Mrs. Campbell obtained her J.D. from the University of Pennsylvania Law School. While attending law school, she successfully represented clients of the Civil Practice Clinic of the University of Pennsylvania Law School and provided pro bono legal services through organizations including the Southern Poverty Law Center.

Mrs. Campbell obtained her undergraduate degree from the University of Missouri (*cum laude*).

Mrs. Campbell is a member of the Federal Courts Committee of the New York County Lawyers Association and served as a panelist in a continuing legal education course offered by the Committee concerning waiver of attorney-client privilege under Federal Rule of Evidence 501. Additionally, Mrs. Campbell is a member of the New York State Bar Association, the National Association of Women Lawyers, and the New York Women's Bar Association.

Education:

- B.A., University of Missouri (2000)
- J.D., University of Pennsylvania Law School (2004)

Bar affiliations and court admissions:

- Bar of the State of New York (2005)
- U.S. Courts of Appeals for the First, Second and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional affiliations:

- American Bar Association
- New York State Bar Association
- New York County Lawyers Association
- New York Women's Bar Association
- National Association of Women Lawyers

Mrs. Campbell can be reached by email at: MCampbell@kaplanfox.com

ELANA KATCHER has extensive complex antitrust litigation experience drawn from her work on both the plaintiff and defense sides. Ms. Katcher began her career in antitrust litigation as an associate at Sullivan & Cromwell LLP where she was a member of the trial team defending Microsoft Corporation against a series of private class actions brought in courts around the country, as well as representing other major defendants in bet-the-company litigation.

Since 2007, Ms. Katcher has been instrumental in some of Kaplan Fox's largest cases, including *In re Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D.N.Y.), and a successful bellwether trial in *Neurontin Marketing, Sales Practices & Products Liability Litig.*, MDL No. 1629 (D. Mass.). In addition, Ms. Katcher co-drafted a successful opposition to the first Rule 12(b)(6) motion to dismiss in the sprawling Generic Pharmaceutical antitrust actions, *In re Propranolol Antitrust Litig.*, 249 F. Supp. 3d 712 (S.D.N.Y. 2017) (Rakoff, J.), and continues to work on behalf of the Direct Purchaser Plaintiffs in the *Generic Pharmaceutical* antitrust actions now pending before District Judge Cynthia M. Rufe in the Eastern District of Pennsylvania, including as part of the briefing team that recently prevailed against the first tranche of motions to dismiss brought

in that litigation. *See In re Generic Pharm. Pricing Antitrust Litig.*, No. 16-CB-27243, 2018 WL 5003450 (E.D. Pa. Oct. 16, 2018).

In addition, Ms. Katcher represents significant corporate clients, including clients listed on Nasdaq, in individual antitrust actions in Packaged Seafood in which she has recently co-argued a key motion to dismiss before District Judge Janis L. Sammartino, obtaining a significant victory where the court upheld jurisdiction over two foreign defendants. *See In re Packaged Seafood Prod. Antitrust Litig.,* No. 15-MD-2670 JLS (MDD), 2018 WL 4222506 (S.D. Cal. Sept. 5, 2018). Ms. Katcher has also taken major depositions of key witnesses in the U.S., Hong Kong, and Frankfurt, in Air Cargo, Packaged Seafood, and other cases.

Prior to Kaplan Fox, she was an associate at Sullivan & Cromwell LLP and King & Spalding LLP, where she participated in the defense of major companies, including at trial and in arbitration.

Education:

- B.A. Oberlin College
- J.D., New York University

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association
- New York City Bar Association

Ms. Katcher can be reached by email at: ekatcher@kaplanfox.com

MATTHEW P. McCAHILL was associated with Kaplan Fox from 2003 to 2005, re-joined the firm in May 2013 and became a partner in 2016. He practices in the areas of antitrust and securities litigation, as well as commercial litigation. From 2006 to early 2013, Mr. McCahill was an associate at Berger & Montague, P.C. in Philadelphia. While focusing on insurance and antitrust class action cases, including *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.) and *Ormond et al. v. Anthem, Inc. et al.*, Case No. 1:05-cv-01908-TWP-TAB (N.D. Ind.)

(related to the demutualization of Anthem Insurance, which settled for $90 million in 2012), he also represented corporations and bankruptcy trustees in commercial litigation involving claims for breach of contract, breach of fiduciary duty and fraudulent conveyance.

Mr. McCahill's practice includes representation of plaintiffs opting out of class actions. He currently represents large retailers who opted out of the *Payment Card* class to pursue their own antitrust actions against Visa and MasterCard challenging the networks' merchant rules and their interchange (or "swipe") fees. Among the merchants he and the firm represent in that case are E-Z Mart Stores, Inc., Sunoco, LP (formerly known as Susser Holdings Corp., operator of the Stripes® convenience store chain), Jacksons Food Stores, Sheetz, Inc., Kum & Go, L.C., Einstein Noah Restaurant Group, Furniture Row, Inc. and NPC International, Inc. (the world's largest franchisee of Pizza Hut restaurants).

Mr. McCahill is part of the Kaplan Fox team representing large grocery chains and food distributors (including Giant Eagle, Inc., Associated Food Stores, Inc., Affiliated Foods, Inc., Western Family Foods, Inc. and the McLane Company, Inc., among others) in individual actions in *In re Packaged Seafood Products Antitrust Litigation*, MDL No. 2670 (S.D. Cal.), alleging price-fixing and other antitrust violations against Tri-Union Seafoods, LLC (d/b/a Chicken of the Sea), Bumble Bee Foods, LLC, and others. He and other Kaplan Fox lawyers are also representing the Ohio Public Employees Retirement System in an individual securities fraud action against Brazilian energy conglomerate Petrobras in *In re Petrobras Securities Litigation*, Civ. Action No. 14-cv-9662 (JSR) (S.D.N.Y.).

Mr. McCahill's current and past involvement in class action litigation at Kaplan Fox includes: *In re Cast Iron Soil Pipe Antitrust Litigation*, MDL No. 2508 (E.D. Tenn.), where he currently represents a proposed class of direct purchasers of cast iron soil pipes and fittings in an antitrust case against the Cast Iron Soil Pipe Institute, Charlotte Pipe & Foundry Co. and McWane, Inc. and its subsidiaries; *In re SandRidge Energy, Inc. Shareholder Derivative Litigation*, No. CIV-13-102-W (W.D. Okla.) (partial settlement of $38 million); *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D.N.J.) (delayed-generic

entry action brought by direct purchasers of Pfizer's drug Neurontin, which settled for $190 million following nearly 12 years of litigation).

In 2014, 2015 and 2016, Mr. McCahill was named a "New York Metro Super Lawyer – Rising Star" in antitrust litigation, and was selected as a "Pennsylvania Super Lawyer – Rising Star" (also in antitrust litigation) in 2012 and 2013. He is a member of the American, Pennsylvania State, New York State and New York City bar associations. Mr. McCahill's *pro bono* efforts focus primarily on representing Marine Corps veterans in benefits proceedings before the Veterans Administration.

Mr. McCahill is a 2000 graduate of Rutgers College where he received a B.A., *summa cum laude*, in history and was elected to Phi Beta Kappa. He graduated from Fordham Law School in 2003, where he was a member of the *Fordham Urban Law Journal*. He is fluent in French and proficient in Spanish.

Education:

- B.A., History, *summa cum laude*, Rutgers College (2000)
- J.D., Fordham Law School (2003)

Bar Affiliations and Court Admissions:

- Bars of the State of New York and the Commonwealth of Pennsylvania
- U.S. Court of Appeals for the Second Circuit
- U.S. District Courts for the Southern and Eastern Districts of New York and the Eastern District of Pennsylvania

Professional Affiliations:

- American Bar Association
- New York State Bar Association
- Pennsylvania Bar Association
- Association of the Bar of the City of New York

Mr. McCahill can be reached by email at: mmccahill@kaplanfox.com

OF COUNSEL

GARY L. SPECKS practices primarily in the area of complex antitrust litigation. He has represented plaintiffs and class representatives at all levels of litigation, including appeals to the U.S. Courts of Appeals and the U.S. Supreme Court. In addition, Mr.

Specks has represented clients in complex federal securities litigation, fraud litigation, civil RICO litigation, and a variety of commercial litigation matters. Mr. Specks is resident in the firm's Chicago office.

During 1983, Mr. Specks served as special assistant attorney general on antitrust matters to Hon. Neil F. Hartigan, then Attorney General of the State of Illinois.

Education:

- B.A., Northwestern University (1972)
- J.D., DePaul University College of Law (1975)

Bar Affiliations and Court Admissions:

- Bar of the State of Illinois (1975)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

Professional Affiliations:

- American Bar Association
- Illinois Bar Association
- Chicago Bar Association

Mr. Specks can be reached by email at: GSpecks@kaplanfox.com

W. MARK MCNAIR has been associated with Kaplan Fox since 2003. He practices in the area of securities litigation. Mr. McNair is actively involved in maintaining and establishing the Firm's relationship with institutional investors and is active in the Firm's Portfolio Monitoring and Case Evaluation Program for the Firm's numerous institutional investors.

Mr. McNair is a frequent speaker at various institutional events, including the National Conference of Public Employee Retirement Systems and the Government Finance Office Association.

Prior to entering private practice, Mr. McNair was an Assistant General Counsel at the Municipal Securities Rulemaking Board where he dealt in a wide range of issues related to the trading and regulation of municipal securities. Previously, he was an attorney in the Division of Market Regulation at the Securities and Exchange Commission.

At the Commission his work focused on the regulation of the options markets and derivative products.

Education:

- B.A. with honors, University of Texas at Austin (1972)
- J.D. University of Texas at Austin (1975)
- L.L.M. (Securities) Georgetown University (1989)

Bar Affiliations and Court Admissions:

- Bar of the State of Texas (1975)
- Bar of the State of Maryland (1995)
- Bar of the State of Pennsylvania (1995)
- Bar of the District of Columbia (2008)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

Mr. McNair can be reached at MMcnair@kaplanfox.com

MAIA C. KATS practices in the area of consumer litigation, with a special emphasis on deceptive labeling in the food and dietary supplements context. Prior to joining Kaplan Fox, Maia was the Litigation Director for the Center for Science in the Public Interest, where she led the department to unprecedented success. She is widely regarded as a leading expert in food litigation and is a frequent speaker on the topic nationwide. Maia is the consumer representative on FDLI's 2019 Food Advertising, Labeling, and Litigation Conference Planning Committee. She is based in Washington, DC.

Maia has served as lead or co-lead counsel in many landmark, deceptive marketing class actions that favorably resolved including, most recently, Coca-Cola (Vitaminwater), PepsiCo (Naked Juice), General Mills (Cheerios Protein), and Campbell's (Plum Organics). She is currently class counsel in numerous deceptive "health halo" cases, including against CVS (Algal-DHA memory supplements), Jamba Juice (Smoothies), and Coca-Cola and the American Beverage Association (misleading marketing of sugar drinks as not linked scientifically to obesity and diabetes). Coverage

of her cases routinely appears in the press, including on Good Morning America, ABC News, The Wall Street Journal, The Washington Post, NPR, and more.

Education:

- B.A. University of Michigan (1984)
- J.D. University of Michigan Law School (1988)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1989)
- Bar of the State of District of Columbia (1990)
- U.S. Courts of Appeals for the Second Circuit
- U.S. District Court for the Northern District of California and District of Columbia

Ms. Kats can be reached at MKats@kaplanfox.com

WILLIAM J. PINILIS practices in the areas of commercial, consumer and securities class action litigation.

He has been associated with Kaplan Fox since 1999 and is resident in the firm's New Jersey office.

In addition to his work at the firm, Mr. Pinilis has served as an adjunct professor at Seton Hall School of Law since 1995 and is a lecturer for the New Jersey Institute for Continuing Legal Education. He has lectured on consumer fraud litigation and regularly teaches the mandatory continuing legal education course Civil Trial Preparation.

In 2021, Mr. Pinilis was appointed as Municipal Court Judge for Morristown, New Jersey.

Mr. Pinilis is the author of "Work-Product Privilege Doctrine Clarified," *New Jersey Lawyer*, Aug. 2, 1999; "Consumer Fraud Act Permits Private Enforcement," *New Jersey Law Journal*, Aug. 23, 1993; "Lawyer-Politicians Should Be Sanctioned for Jeering Judges," *New Jersey Law Journal*, July 1, 1996; "No Complaint, No Memo – No Whistle-Blower Suit," *New Jersey Law Journal*, Sept. 16, 1996; and "The *Lampf* Decision: An appropriate Period of Limitations?" *New Jersey Trial Lawyer*, May 1992.

Education:

- B.A., Hobart College (1989)
- J.D., Benjamin Cardozo School of Law (1992)

Bar Affiliations and Court Admissions:

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. District Courts for the District of New Jersey, and the Southern and Eastern Districts of New York

Professional Affiliations:

- Morris County Bar Association
- New Jersey Bar Association
- Graduate, Brennan Inn of Court

Mr. Pinilis can be reached by email at: WPinilis@kaplanfox.com

JUSTIN B. FARAR joined Kaplan Fox in March 2008. He practices in the area of securities and antitrust litigation with a special emphasis on institutional investor involvement. He is located in the Los Angeles office. Prior to joining the firm, Mr. Farar was a litigation associate at O'Melveny & Myers, LLP and clerked for the Honorable Kim McLane Wardlaw on the Ninth Circuit Court of Appeals. Mr. Farar also currently serves as a Commissioner to the Los Angeles Convention and Exhibition Authority.

Mr. Farar is also an adjunct professor at the University of Southern California Gould Law School teaching a course on class actions.

Education:

- J.D., order of the coif, University of Southern California Law School (2000)
- B.A., with honors, University of California, San Diego

Bar Affiliations and Court Admissions:

- Bar of the State of California (2000)
- U.S. Court of Appeals for the Ninth Circuit (2000)
- U.S. District Court for the Central of California (2000)

Awards:

- The American Society of Composers, Authors and Publishers' Nathan Burkan Award Winner, 2000 for article titled "Is the Fair Use Defense Outdated?"

Mr. Farar can be reached by email at: JFarar@kaplanfox.com

MATTHEW GEORGE is a complex litigation attorney at Kaplan Fox & Kilsheimer LLP with a practice focused on data privacy, consumer protection, and employment/labor cases. He has significant experience and expertise handling multidistrict litigation and other coordinated proceedings in state and federal courts involving multiple parties and complex discovery issues.

Matthew has been a strong advocate for consumer and patient privacy. He has served on court-appointed lead counsel teams in notable cutting-edge data breach and information privacy cases against Target, Adobe, Yahoo!, and Horizon Healthcare. In these and other cases he has worked with cybersecurity experts to gain technical knowledge in data collection, management and protection. He was recently appointed to the Plaintiffs' Steering Committee in *In re 21st Century Oncology Data Breach Litigation*, MDL No. 2737, pending in the Middle District of Florida.

Matthew has also recovered unpaid overtime wages for thousands of workers across the United States under state and federal law in over a dozen cases. His notable recoveries include generating a $9.9 million settlement on behalf of retail employees and winning a two-week arbitration representing misclassified account representatives against a Fortune 500 company. Matthew has also recovered over $10 million for employees in cases alleging violations of the WARN Act when the employees were not provided required notice before their terminations.

He has also represented customers challenging deceptive business practices and has worked to obtain significant recoveries in consumer fraud cases against companies including Chase, Mercedes-Benz and The Ritz-Carlton. He currently represents consumers in cases against HBO, Logitech, and Chipotle, among others. In addition to representing plaintiffs in class action cases, Matthew has also represented institutional clients including labor unions and conducted a risk management analysis for a multi-national health and wellness consumer product corporation.

Matthew has been selected by his peers as a "Rising Star" by Northern California Super Lawyers each year from 2011-2014 and was chosen as a "Super Lawyer" in 2016, the first year he was eligible for the distinction. He has been a regular speaker at industry conventions and seminars on topics ranging from arbitration, expert discovery, settlement strategies, and the rapidly changing field of privacy law.

Education:

- B.A., Political Science and Criminal Justice, *magna cum laude*, Chapman University (2002)
- J.D., The University of Michigan Law School (2005)

Publications and Speaking Engagements:

- Expert Depositions: Promoting Expertise and Limiting Exposure –Bridgeport Continuing Legal Education "Mastering the Deposition" Seminar (January 2017)
- "How Viable Is the Prospect of Private Enforcement of Privacy Rights In The Age of Big Data? An Overview of Trends and developments In Privacy Class Actions" – Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Volume 24, No. 1 (Spring 2015)
- Panel Discussion of Sony Pictures Data Breach Cases – CNBC's "Squawk On the Street" (December 2014)
- New and Developing Practice Areas – CAOC 53rd Annual Convention (November 2014)
- Privacy Law Symposium – University of California, Hastings College of the La (April 2014)
- Update On the Target Data Breach Litigation – HarrisMartin Target Data Breach MDL Conference (March 2014)
- Consumer Privacy Law – 8th Annual CAOC Class Action Seminar (February 2014)
- Privacy Litigation and Management: Strategies For Protection and Litigation – Bridgeport Continuing Legal Education Seminar (December 2012)
- Class Action Settlement Strategies and Mechanics – 12th Annual Bridgeport Class Action Litigation & Management Conference (April 2012)
- Developments In the Arbitration of Wage and Hour Disputes – Bridgeport 2010 Wage and Hour Conference (October 2010)

Bar Affiliations and Court Admissions:

- Bar of the State of California

- U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California, and the District of Colorado
- Ninth Circuit Court of Appeals

Professional Affiliations:

- Bay Area Lawyers for Individual Freedom
- Consumer Attorneys of California (Diversity Committee)
- American Bar Association (Labor and Employment Section)

Mr. George can be reached by email at: mgeorge@kaplanfox.com

KATHLEEN HERKENHOFF is a complex litigation attorney, with a practice principally focused on securities and consumer class actions, as well as shareholder derivative actions. Kathleen's experience includes employment litigation and data privacy matters. Over the course of her career, she has played a key role in obtaining more than $1 billion in settlement recoveries for victims of corporate fraud and misconduct. She joined Kaplan Fox & Kilsheimer LLP in 2021.

Kathleen's law career started at the United States Securities and Exchange Commission, where she investigated and litigated securities fraud and insider trading actions. Her SEC victories include securing a $22 million judgment in a complex offering fraud.

Following her SEC career, she joined a national class action litigation firm. During her 12 years at the firm (at which she was a partner from 2002 to 2009), she practiced in all areas of securities class and derivative litigation on behalf of both institutional and individual shareholders. Kathleen's work contributed to securing monetary recoveries exceeding $1 billion on litigation involving HealthSouth Corp. ($671 million), AOL Time Warner, Inc. ($618 million), Mattel, Inc. ($122 million), Honeywell International, Inc. ($100 million) and scores of other corporate entities, including large value recoveries in shareholder derivative actions. Kathleen drafted and negotiated sweeping corporate governance improvements in several of these actions.

In 2010, Kathleen spearheaded the opening of a California office of a boutique firm with merger & acquisition and shareholder derivative practice groups. In her role, Kathleen continued to obtain significant victories, including obtaining cutting edge

corporate governance reforms to be enacted by various corporate entities. A sampling of this work includes Kathleen's role as co-lead counsel in successful shareholder derivative litigation on behalf of Nominal Defendant Diamond Foods, Inc., resulting in more than $10 million in financial consideration for the company, in addition to corporate governance enhancements. Kathleen also helped to secure the firm's leadership position in a federal shareholder derivative litigation on behalf of Nominal Defendant Intuitive Surgical, Inc. ("Intuitive"). The Intuitive shareholder derivative action was thereafter litigated in a combined effort with the state court lead counsel before the Honorable Gerald J. Buchwald of the Superior Court for the State of California, San Mateo County, reaching a pre-trial settlement including $15 million in value recovered for the Company. Governance enhancements Kathleen has pushed for in various actions have received praise from courts, such as the Honorable Marie S. Weiner of the San Mateo County Superior Court, who commented that the governance improvements in one settlement were "the most detailed and extensive corporate governance changes I've seen in a derivative settlement."

Kathleen's work has also included protecting shareholders in appellate court matters. *See e.g. Dennis v. Hart, et al.*, 724 F.3d 1249 (9th Cir. 2013) (rejecting defendants' arguments that, among other things, the doctrine of complete preemption conferred federal jurisdiction in the action in view of the inclusion of allegations that defendants' conduct violated the Dodd-Frank Wall Street Reform and Consumer Protection Act). At the time of its issuance, Dennis was considered a significant victory for shareholders seeking more than one forum in which to pursue claims for conduct stemming from Dodd-Frank.

Immediately prior to joining Kaplan Fox, Kathleen served as a partner in a law firm specializing in employment litigation, as well as in class and shareholder derivative matters. This experience expanded her practice to include pursuing relief for employees victimized by illegal conduct in the workplace, whether for wage and hour claims, discrimination, harassment, or a host of other improper practices.

Notably, since 2018, Kathleen has served on the Plaintiffs' Executive Committee in *In re: Apple Inc. Device Performance Litigation*, which is profiled on the firm's webpage.

Education:

- Bar of the State of California (1993)
- J.D., Pepperdine University School of Law (1993)
  - Dean's Honor List
  - American Jurisprudence Award, Constitutional Law and Agency-Partnership
- B.A. in English Literature, University of California at Berkeley (1989)

Bar Affiliations and Court Admissions:

- Bar of the State of California (1993)
- U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California
- Ninth Circuit Court of Appeals

Ms. Herkenhoff can be reached by email at: kherkenhoff@kaplanfox.com

ASSOCIATES

PAMELA MAYER is focused on the investigation, analysis and initiation of securities claims on behalf of the firm's institutional and individual clients utilizing her combined legal and finance background.

Prior to joining Kaplan Fox, Ms. Mayer was a securities investigation and litigation attorney for a multinational investment bank. Utilizing her combined legal and business background, including her M.B.A., Ms. Mayer focuses on the research and analysis of securities claims on behalf of our firm's individual and institutional clients and is dedicated full-time to the firm's Portfolio Monitoring and Case Evaluation Program. Ms. Mayer also has substantial litigation experience in the area of intellectual property.

Education:

- B.S., The University of Rochester
- J.D., The George Washington University
- M.B.A., Finance, The University of Michigan

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association

Ms. Mayer can be reached by email at: pmayer@kaplanfox.com

AARON L. SCHWARTZ has been associated with Kaplan Fox since July 2017. He practices securities, antitrust and consumer protection litigation.

Prior to joining the firm, Mr. Schwartz was a Deputy Attorney General in the Pennsylvania Office of Attorney General, Antitrust Section. As a Deputy Attorney General, Mr. Schwartz conducted investigations, brought suit to enjoin anticompetitive corporate mergers, and prosecuted pharmaceutical product-hopping schemes, market allocation schemes, and unfair trade practices.

Education:

- B.A., University of Wisconsin—Madison (2009)
- J.D., The Pennsylvania State University—The Dickinson School of Law (2014)

Bar Affiliations and Court Admissions:

- Bar of the Commonwealth of Pennsylvania
- Bar of the State of New York
- U.S. Court of Appeals for the Third Circuit
- U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania

Professional Affiliations:

- Pennsylvania Bar Association
- American Bar Association

Mr. Schwartz can be reached by email at: aschwartz@kaplanfox.com

JASON A. URIS has been associated with Kaplan Fox since May 2013. He practices in the areas of securities, antitrust, and consumer litigation.

Mr. Uris is currently involved in several litigations, including *Milbeck v. TrueCar, Inc., et al., Lewis v. YRC Worldwide Inc., et al.*, and *In re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation.*

Mr. Uris was also a member of the teams that litigated the following cases: *Kasper v. AAC Holdings, Inc., et al.* (M.D. Tenn.) ($25 million settlement); *In re SandRidge*

Energy, Inc. Shareholder Derivative Litigation, No. CIV-13-102-W (W.D. Okla.) (partial settlement of $38 million); *In re Cast Iron Soil Pipe Antitrust Litigation*, MDL No. 2508 (E.D. Tenn.) ($30 million settlement); *In re: CSO Hedge Fund Litigation* ($13.5 million settlement).

Education:

- B.A., *cum laude*, Boston University (2011)
- J.D., Fordham University School of Law (2014)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (2015)
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association

Mr. Uris can be reached by email at: juris@kaplanfox.com

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF JONATHAN M. STREISFELD IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Jonathan M. Streisfeld, hereby declare and state as follows:

1. I am a member of the Florida Bar, and I am admitted pro hac vice in this Action. I am a partner in the firm of Kopelowitz Ostrow Ferguson Weiselberg Gilbert ("KO"), one of the law firms representing Plaintiffs in this Action.[1]

2. I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

3. KO has prosecuted this Action solely on a contingent-fee basis and has been at risk

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current attorneys from KO, in addition to myself, who have worked on this Litigation are Jeff Ostrow and Kristen L. Cardoso.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On May 29, 2020, Plaintiff Melissa Alexander, represented by KO and others, filed a Class Action Complaint against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 1:20-cv-04129-LJL, Compl., ECF 1.) Plaintiff Alexander filed a Statement of Relatedness to the *Culbertson* matter on the same day. (*Id.*, ECF 4.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, and in aiding Plaintiffs' Interim Lead Counsel, Liaison Counsel, and Executive Committee, KO has actively participated in of the prosecution of the case, including, but not limited to: (1) case investigation; (2) drafting of the complaints; (3) settlement discovery; (4) legal research; (5) drafting of motions and briefs: (6) participating in case strategy conferences and decisions; (7) documenting the settlement agreement; and (8) reviewing the settlement approval documents. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research and attention to detail.

II. KO'S LODESTAR AND LITIGATION EXPENSES

8. This declaration generally summarizes the work performed by KO for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, KO has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, filing of the initial Complaint, Defendant's motion to dismiss, settlement discussions, and motions for settlement approval.

9. Before initiating any action, KO thoroughly investigated and researched the claims, which aided Class Counsel to evaluate the factual claims regarding the allegations against Defendant.

10. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through the date of this Declaration, for KO's attorneys and paralegals:

Attorney	Total Hours	Hourly Rate	Amount
Jeff Ostrow	1.60	$775	$1,240.00
Jonathan M. Streisfeld	11.70	$775	$9,067.50
Kristen L. Cardoso	6.70	$500	$3,350.00
Total:			**$13,657.50**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by KO.

11. **Jonathan M. Streisfeld.** I am a Partner in KO's Fort Lauderdale office. After graduating from Syracuse University, I graduated from Nova Southeastern University Shepard Broad College of Law in 1997. Since then, I have been a member in good standing of The Florida Bar since 1997, and I am licensed in numerous federal trial and appellate courts around the country. For over 12 years of my 24 years of practice, I have litigated a wide array of class actions, including actions for breach of contract, consumer protection, product defect, and false advertising cases.

12. **Jeff Ostrow.** Mr. Ostrow is one of KO's two founding partners. He is KO's managing partner. After graduating from the University of Florida, he is a 1997 graduate of Nova Southeastern University Shepard Broad College of Law. He has been a member in good standing of The Florida Bar since 1997 and is licensed in numerous federal courts around the country. Over the past 24 years, he has gained substantial experience handling complex civil litigation and class action litigation. He has been appointed as lead class counsel or class counsel in numerous class actions.

13. **Kristen Cardoso.** Ms. Cardoso is a partner in KO's Fort Lauderdale office. After graduating from the University of Florida, she is a 2007 graduate of Nova Southeastern University Shepard Broad College of Law. She has been a member in good standing of The Florida Bar since 2007 and is also licensed in California and the United States District Courts for the Middle and Southern Districts of Florida. She has gained substantial experience handling complex civil litigation and class action litigation.

14. The KO attorneys billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including two class actions settlements recently approved by New York federal courts:

a. *Tina Thompson and Scott Doxey v. Community Bank, N.A.*, Case No. 8:19-cv-00919-MAD-CFH (N.D.N.Y.). In 2021, Judge Mae A. D'Agostino issued an attorneys' fees award in which the following hourly rates were submitted and considered reasonable in the court's award of attorneys' fees to class counsel: $775 for Jeff Ostrow and Jonathan M. Streisfeld.

b. *Tawanna Roberts v. Capital One, N.A.*, Case No. 1:16-cv-04841-LGS (S.D.N.Y.).

In 2020, Judge Lorna G. Schofield issued an attorneys' fees award in which the following hourly rates were submitted and considered reasonable in the court's award of attorneys' fees to class counsel: $725 for Jeff Ostrow and Jonathan M. Streisfeld.

15. During the course of this Action, KO incurred $208.30 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of KO and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Court Costs, Filing Fees and Transcripts	$207.00
Delivery/Courier	$1.30
TOTAL	**$208.30**

16. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. KO HAS A LENGTHY HISTORY REPRESENTING CONSUMERS

17. KO has a lengthy history of representing consumers, employees, businesses and other clients in class action and other commercial litigation. A true and correct copy of the KO Firm Resume is attached as Exhibit 1.

18. I am a partner in the Fort Lauderdale, Florida office of KO and have been working diligently on behalf of the Settlement Class Members in this matter. I have litigated a diverse body of class actions, including breach of contract, consumer protection, product defect, and false advertising cases.

19. Since my admission to the bar in 1997, I have earned appointment as class counsel

in numerous class actions throughout the country.

IV. KO HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS

20. KO has the experience, resources and ability to adequately represent the Settlement Class Members in this class action lawsuit.

21. KO's firm resume reflects that the attorneys in this case have successfully adjudicated some of the largest and most important class action lawsuits in the United States and have obtained hundreds of millions of dollars in settlements and verdicts in a wide range of cases.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: December 3, 2021

/s/ Jonathan M. Streisfeld
Jonathan M. Streisfeld

EXHIBIT 1

KO LAWYERS

KOPELOWITZ OSTROW
FERGUSON WEISELBERG GILBERT

FIRM **RESUME**

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Fort Lauderdale, Florida 33301

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OUR FIRM

For over two decades, Kopelowitz Ostrow Ferguson Weiselberg Gilbert (KO) has provided comprehensive, results-oriented legal representation to individual, business, and government clients throughout Florida and the rest of the country. KO has the experience and capacity to represent its clients effectively and has the legal resources to address almost any legal need. The firm's 26-plus attorneys have practiced at several of the nation's largest and most prestigious firms and are skilled in almost all phases of law, including consumer class actions, multidistrict litigation involving mass tort actions, complex commercial litigation, and corporate transactions. In the class action arena, the firm has experience not only representing individual aggrieved consumers, but also defending large institutional clients, including multiple Fortune 100 companies.

WHO WE ARE

The firm has a roster of accomplished attorneys. Clients have an opportunity to work with some of the finest lawyers in Florida and the United States, each one committed to upholding KO's principles of professionalism, integrity, and personal service. Among our roster, you'll find attorneys whose accomplishments include: being listed among the "Legal Elite Attorneys" and as "Florida Super Lawyers"; achieving an AV® Preeminent™ rating by the Martindale-Hubbell peer review process; being Board Certified in their specialty; serving as in-house counsel for major corporations, as a city attorney handling government affairs, as a public defender, and as a prosecutor; achieving multi-millions of dollars through verdicts and settlements in trials, arbitrations, and alternative dispute resolution procedures; successfully winning appeals at every level in Florida state and federal courts; and serving government in various elected and appointed positions.

KO has the experience and resources necessary to represent large putative classes. The firm's attorneys are not simply litigators, but rather, experienced trial attorneys with the support staff and resources needed to coordinate complex cases.

CLASS ACTION **PLAINTIFF**

Since its founding, KO has initiated and served as co-lead counsel and liaison counsel in many high-profile class actions. Currently, the firm serves as liaison counsel in a multidistrict class action antitrust case against four of the largest contact lens manufacturers pending before Judge Schlesinger in the Middle District of Florida. *See* In Re: Disposable Contact Lens Antitrust Litigation, MDL 2626 as well as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.).

Further, the firm has served or is currently serving as lead or co-lead counsel in dozens of certified and/or proposed class actions against national and regional banks involving the unlawful re-sequencing of debit and ATM transactions resulting in manufactured overdraft fees, and other legal theories pertaining to overdraft fees and insufficient funds (NSF) fees. The cases are pending, or were pending, in various federal and state jurisdictions throughout the country, including some in multidistrict litigation pending in the Southern District of Florida and others in federal and state courts dispersed throughout the country. KO's substantial knowledge and experience litigating overdraft class actions and analyzing overdraft damage data has enabled the firm to obtain about a dozen multi-million dollar settlements (in excess of $400 million) for the classes KO represents.

Additionally, other current cases are being litigated against automobile insurers for failing to pay benefits owed to insureds with total loss vehicle claims; data breaches; false advertising; defective consumer products and vehicles; antitrust violations; and suits on behalf of students against colleges and universities arising out of the COVID-19 pandemic.

The firm has in the past litigated certified and proposed class actions against Blue Cross Blue Shield and United Healthcare related to their improper reimbursements of health insurance benefits. Other insurance cases include auto insurers failing to pay benefits owed to insureds with total loss vehicle claims. Other class action cases include cases against Microsoft Corporation related to its Xbox 360 gaming platform, ten of the largest oil companies in the world in connection with the destructive propensities of ethanol and its impact on boats, Nationwide Insurance for improper mortgage fee assessments, and several of the nation's largest retailers for deceptive advertising and marketing at their retail outlets and factory stores.

CLASS ACTION **DEFENSE**

The firm also brings experience in successfully defended many class actions on behalf of banking institutions, mortgage providers and servicers, an aircraft maker and U.S. Dept. of Defense contractor, a manufacturer of breast implants, and a national fitness chain.

MASS TORT **LITIGATION**

The firm also has extensive experience in mass tort litigation, including the handling of cases against Bausch & Lomb in connection with its Renu with MoistureLoc product, Wyeth Pharmaceuticals related to Prempro, Bayer Corporation related to its birth control pill YAZ, and Howmedica Osteonics Corporation related to the Stryker Rejuvenate and AGB II hip implants. In connection with the foregoing, some of which has been litigated within the multidistrict arena, the firm has obtained millions in recoveries for its clients.

OTHER AREAS **OF PRACTICE**

In addition to class action and mass tort litigation, the firm has extensive experience in the following practice areas: commercial and general civil litigation, corporate transactions, health law, insurance law, labor and employment law, marital and family law, real estate litigation and transaction, government affairs, receivership, construction law, appellate practice, estate planning, wealth preservation, healthcare provider reimbursement and contractual disputes, white collar and criminal defense, employment contracts, environmental, and alternative dispute resolution.

FIND US **ONLINE**

To learn more about KO, or any of the firm's other attorneys, please visit www.kolawyers.com.

CLASS ACTION AND MASS TORT SETTLEMENTS

FINANCIAL INSTITUTIONS

Smith v. Fifth Third Bank, 1:18-cv-00464-DRC-SKB (W.D. Ohio 2021) - $5.2 million

Lambert v. Navy Federal Credit Union, 1:19-cv-00103-LO-MSN (S.D. Va. 2021) - $16 million

Roberts v. Capital One, N.A., 16 Civ. 4841 (LGS) (S.D.N.Y 2021) - $17 million

Baptiste v. GTE Financial, 20-CA-002728 (Cir. Ct. Hillsborough 2021) - $975,000,000

Morris v. Provident Credit Union, CGC-19-581616 (Sup. Ct. San Francisco 2020) - $1.1 million

Lloyd v. Navy Federal Credit Union, 17-cv-01280-BAS-RBB (S.D. Ca. 2019) - $24.5 million

Farrell v. Bank of America, N.A., 3:16-cv-00492-L-WVG (S.D. Ca. 2018) - $66.6 million

Bodnar v. Bank of America, N.A., 5:14-cv-03224-EGS (E.D. Pa. 2015) - $27.5 million

Morton v. Green Bank, 11-135-IV (20th Judicial District Tenn. 2018) - $1.5 million

Hawkins v. First Tennessee Bank, CT-004085-11 (13th Judicial District Tenn. 2017) - $16.75 million

Payne v. Old National Bank, 82C01-1012 (Cir. Ct. Vanderburgh 2016) - $4.75 million

Swift. v. Bancorpsouth, 1:10-CV-00090 (N.D. Fla. 2016) - $24.0 million

Mello v. Susquehanna Bank, 1:09-MD-02046 (S.D. Fla. 2014) – $3.68 million

Johnson v. Community Bank, 3:11-CV-01405 (M.D. Pa. 2013) - $1.5 million

McKinley v. Great Western Bank, 1:09-MD-02036 (S.D. Fla. 2013) - $2.2 million

Blahut v. Harris Bank, 1:09-MD-02036 (S.D. Fla. 2013) - $9.4 million

Wolfgeher Commerce Bank, 1:09-MD-02036 (S.D. Fla. 2013) - $18.3 million

Case v. Bank of Oklahoma, 09-MD-02036 (S.D. Fla. 2012) - $19.0 million

Hawthorne v. Umpqua Bank, 3:11-CV-06700 (N.D.Ca. 2012) - $2.9 million

Simpson v. Citizens Bank, 2:12-CV-10267 (E.D. Mi. 2012) - $2.0 million

Nelson v. Rabobank, RIC 1101391 (Riverside County, Ca. 2012) - $2.4 million

Harris v. Associated Bank, 1:09-MD-02036 (S.D. Fla. 2012) - $13.0 million

LaCour v. Whitney Bank, 8:11-CV-1896 (M.D. Fla. 2012) - $6.8 million

Orallo v. Bank of the West, 1:09-MD-202036 (S.D. Fla. 2012) - $18.0 million

Taulava v. Bank of Hawaii, 11-1-0337-02 (1st Cir. Hawaii 2011) - $9.0 million

Trevino v. Westamerica, CIV 1003690 (Marin County, CA 2010) - $2.0 million

FALSE
PRICING

Gattinella v. Michael Kors (USA), 14-Civ-5731 (WHP) (S.D. NY 2015) - $4.875 million

Stathakos v. Columbia Sportswear, 4:15-cv-04543-YGR (N.D. Ca. 2018) - Injunctive relief prohibiting deceptive pricing practices

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CONSUMER
PROTECTION

Ostendorf v. Grange Indemnity Ins. Co., 2:19-cv-01147-ALM-KAJ (E.D. Ohio 2020) – $12.6 million

Walters v. Target Corp., 3:16-cv-1678-L-MDD (S.D. Cal. 2020) – $8.2 million

Papa v. Grieco Ford Fort Lauderdale, LLC, 18-cv-21897-JEM (S.D. Fla. 2019) - $4.9 million

Bloom v. Jenny Craig, Inc., 18-cv-21820-KMM (S.D. Fla. 2019) - $3 million

DiPuglia v. US Coachways, Inc., 1:17-cv-23006-MGC (S.D. Fla. 2018) - $2.6 million

Masson v. Tallahassee Dodge Chrysler Jeep, LLC, 1:17-cv-22967-FAM (S.D. Fla. 2018) - $850,000

MASS
TORT

In re Zantac (Ranitidine) Prods. Liab. Litig., 9:20-md-02924-RLR (S.D. Fla.) - MDL No. 2924 – Co-Lead Counsel

In re: Stryker Rejuvenate and ABG II PRODUCTS LIABILITY LITIGATION, 13-MD-2411 (17th Jud. Cir. Fla. Complex Litigation Division)

In re: National Prescription Opiate Litigation, 1:17-md-02804-DAP (N.D. Ohio) - MDL 2804

In re: Smith and Nephew BHR Hip Implant Products Liability Litigation, MDL-17-md-2775

Yasmin and YAZ Marketing, Sales Practivces and Products Liability Litigation, 3:09-md-02100-DRH-PMF (S.D. Ill.) – MDL 2100

In re: Prempro Products Liability Litigation, MDL Docket No. 1507, No. 03-cv-1507 (E.D. Ark.)

JEFF OSTROW

Managing Partner

Bar Admissions
The Florida Bar

Court Admissions
Supreme Court of the United States
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Northern District of Illinois
U.S. District Court, Eastern District of Michigan
U.S. District Court, Western District of Tennessee
U.S. District Court, Western District of Wisconsin

Education
Nova Southeastern University, J.D. - 1997
University of Florida, B.S. – 1994

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Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. He established his own law practice immediately upon graduation from law school in 1997, co-founded the current firm in 2001, and has since grown it to nearly 50 attorneys in 3 offices throughout South Florida. In addition to overseeing the firm's day-to-day operations and strategic direction, Mr. Ostrow practices full time in the areas of consumer class actions, sports and business law. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

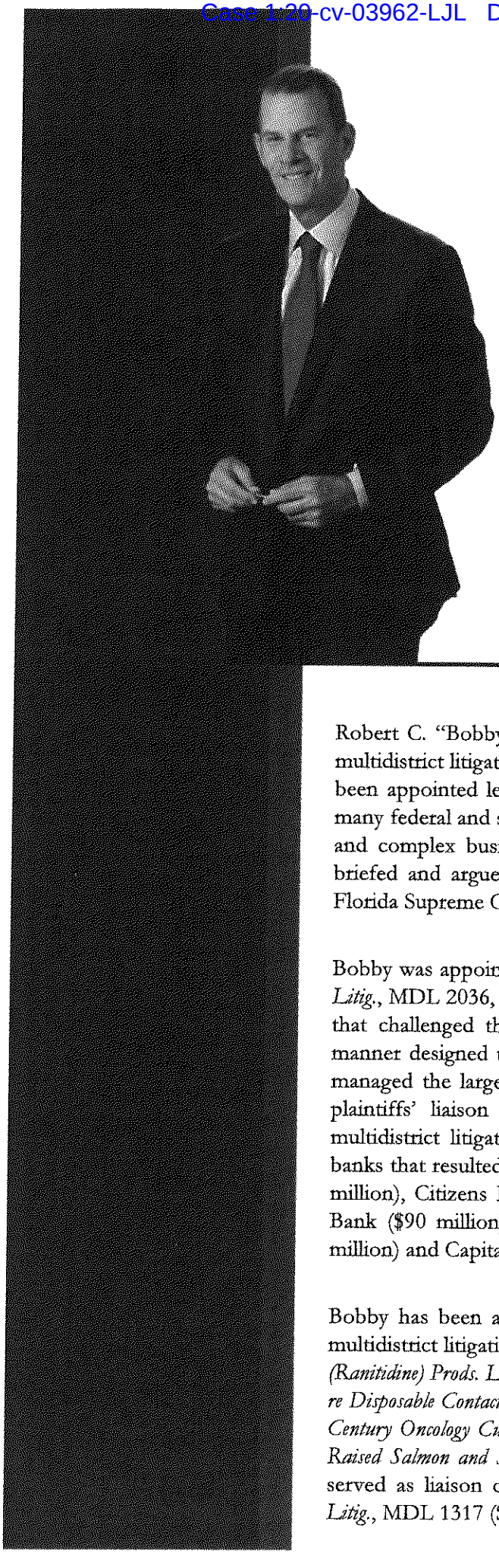
Mr. Ostrow is an accomplished trial attorney who represents both Plaintiffs and Defendants, successfully trying many cases to verdict involving multi-million dollar damage claims in state and federal courts. Currently, he serves as lead counsel in nationwide and statewide class action lawsuits against many of the world's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over $400,000,000 for tens of millions of bank customers, as well as monumental changes in the way banks assess fees. In addition, Mr. Ostrow has litigated consumer class actions against some of the world's largest clothing retailers, health insurance carriers, technology companies, and oil conglomerates, along with serving as class action defense counsel for some of the largest advertising and marketing agencies in the world, banking institutions, real estate developers, and mortgage companies.

Mr. Ostrow often serves as outside General Counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many Fortune 500® Companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, FoxNews, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry changing litigation or athletes in Olympic Swimming, the NFL, NBA and MLB.

In addition to the law practice, he is the President of ProPlayer Sports LLC, a full-service sports agency and marketing firm. He represents both Olympic swimmers and select NFL athletes and is licensed by both the NFL Players Association and the NBA Players Association as a certified Contract Advisor. Mr. Ostrow handles all player-team negotiations of contracts, represents his clients in legal proceedings, negotiates all marketing engagements, and oversees public relations and crisis management. He has extensive experience in negotiating, mediating and arbitrating a wide-range of issues on behalf of clients with the NFL Players Association, the International Olympic Committee, the United States Olympic Committee, USA Swimming and the United States Anti-Doping Agency.

He is the founder and President of Class Action Lawyers of American, a member of the Public Justice Foundation, and a lifetime member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is the most prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have won multi-million dollar verdicts. Additionally, he has been named as one of the top lawyers in Florida by Super Lawyers® for several years running, honored as one of Florida's Legal Elite Attorneys, recognized as a Leader in Law by the Lifestyle Media Group®, and nominated by the South Florida Business Journal® as a finalist for its Key Partners Award. Mr. Ostrow is a recipient of the Gator 100 award for the fastest growing University of Florida alumni-owned law firm in the world.'

When not practicing law, Mr. Ostrow serves on the Board of Governors of Nova Southeastern University's Wayne Huizenga School of Business and is a Member of the Broward County Courthouse Advisory Task Force. He is also the Managing Member of One West LOA LLC, a commercial real estate development company. Mr. Ostrow is a founding board member for the Jorge Nation Foundation, a 501(c)(3) non-profit organization that partners with the Joe DiMaggio Children's Hospital to send children diagnosed with cancer on all-inclusive Dream Trips to destinations of their choice. He has previously sat on the boards of a national banking institution and a national healthcare marketing company.



ROBERT C. GILBERT

Partner

Bar Admissions
The Florida Bar
District of Columbia Bar

Court Admissions
Supreme Court of the United States
U.S. Court of Appeals for the 11th Circuit
U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida

Education
University of Miami School of Law, J.D. - 1985
Florida International University, B.S. - 1982

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Robert C. "Bobby" Gilbert has over three decades of experience handling class actions, multidistrict litigation and complex business litigation throughout the United States. He has been appointed lead counsel, co-lead counsel, coordinating counsel or liaison counsel in many federal and state court class actions. Bobby has served as trial counsel in class actions and complex business litigation tried before judges, juries and arbitrators. He has also briefed and argued numerous appeals, including two precedent-setting cases before the Florida Supreme Court.

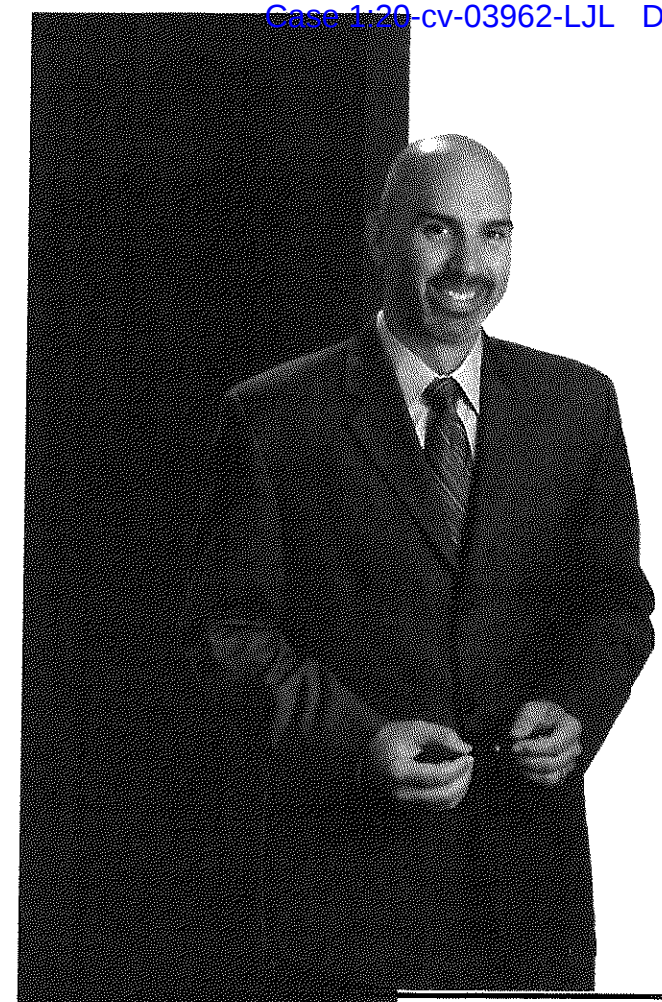
Bobby was appointed as Plaintiffs' Coordinating Counsel in *In re Checking Account Overdraft Litig.*, MDL 2036, class action litigation brought against many of the nation's largest banks that challenged the banks' internal practice of reordering debit card transactions in a manner designed to maximize the frequency of customer overdrafts. In that role, Bobby managed the large team of lawyers who prosecuted the class actions and served as the plaintiffs' liaison with the Court regarding management and administration of the multidistrict litigation. He also led or participated in settlement negotiations with the banks that resulted in settlements exceeding $1.1 billion, including Bank of America ($410 million), Citizens Financial ($137.5 million), JPMorgan Chase Bank ($110 million), PNC Bank ($90 million), TD Bank ($62 million), U.S. Bank ($55 million), Union Bank ($35 million) and Capital One ($31.7 million).

Bobby has been appointed to leadership positions is numerous other class actions and multidistrict litigation proceedings. He is currently serving as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.), as well as liaison counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.); liaison counsel in *In re 21st Century Oncology Customer Data Security Beach Litig.*, MDL 2737 (M.D. Fla.); and *In re Farm-Raised Salmon and Salmon Products Antitrust Litig.*, No. 19-21551 (S.D. Fla.). He previously served as liaison counsel for indirect purchasers in *In re Terazosin Hydrochloride Antitrust Litig.*, MDL 1317 (S.D. Fla.), an antitrust class action that settled for over $74 million.

For the past 18 years, Bobby has represented thousands of Florida homeowners in class actions to recover full compensation under the Florida Constitution based on the Florida Department of Agriculture's taking and destruction of the homeowners' private property. As lead counsel, Bobby argued before the Florida Supreme Court to establish the homeowners' right to pursue their claims; served as trial counsel in non-jury liability trials followed by jury trials that established the amount of full compensation owed to the homeowners for their private property; and handled all appellate proceedings. Bobby's tireless efforts on behalf of the homeowners resulted in judgments exceeding $93 million.

Bobby previously served as an Adjunct Professor at Vanderbilt University Law School, where he co-taught a course on complex litigation in federal courts that focused on multidistrict litigation and class actions. He continues to frequently lecture and make presentations on a variety of topics.

Bobby has served for many years as a trustee of the Greater Miami Jewish Federation and previously served as chairman of the board of the Alexander Muss High School in Israel, and as a trustee of The Miami Foundation.



JONATHAN M. STREISFELD

Partner

Bar Admissions

The Florida Bar

Court Admissions

Supreme Court of the United States
U.S. Court of Appeals for the First, Second, Fourth, Fifth, Ninth, and Eleventh Circuits
U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Northern District of Illinois
U.S. District Court, Western District of Michigan
U.S. District Court, Western District of New York
U.S. District Court, Western District of Tennessee

Education

Nova Southeastern University, J.D. - 1997
Syracuse University, B.S. - 1994

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Jonathan M. Streisfeld joined KO as a partner in 2008. Mr. Streisfeld concentrates his practice in the areas of consumer class actions, business litigation, and appeals nationwide. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

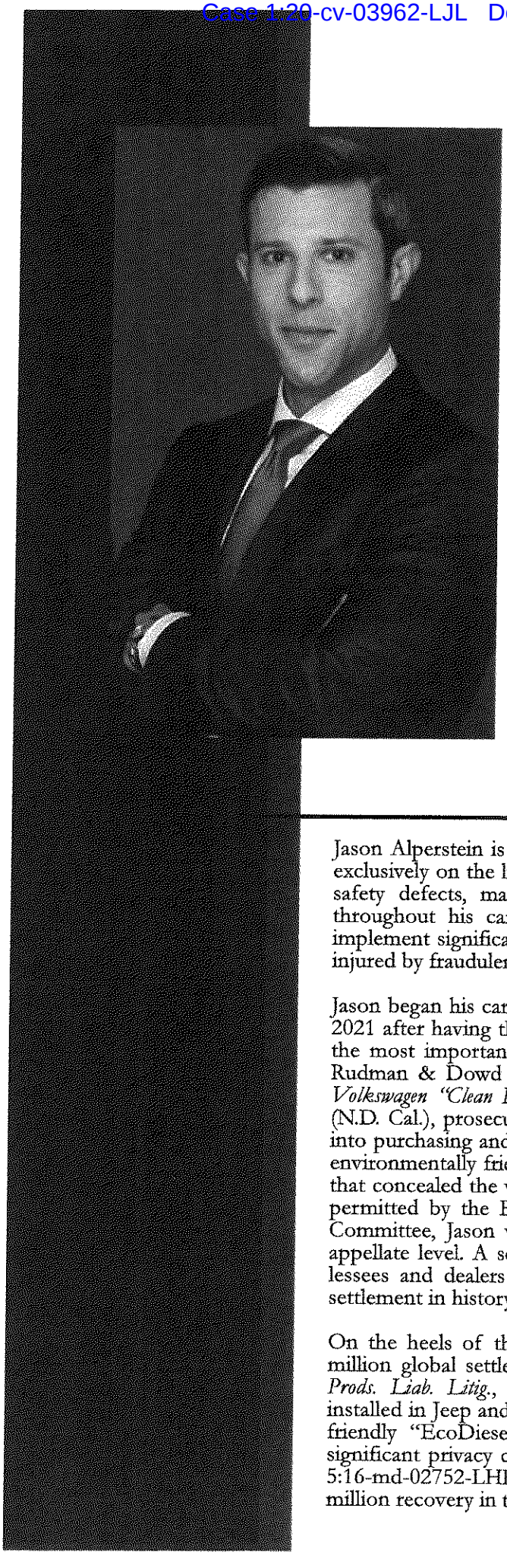
Mr. Streisfeld has vast and successful experience in class action litigation, serving as class counsel in nationwide and statewide consumer class action lawsuits against the nation's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over $400,000,000 for millions of bank and credit union customers, as well as profound changes in the way banks assess fees. Additionally, he has and continues to serve as lead and class counsel for consumers in many class actions involving false advertising and pricing, defective products, and data breach. In addition, Mr. Streisfeld has litigated class actions against some of the largest health and automobile insurance carriers and oil conglomerates, and defended class and collective actions in other contexts.

Mr. Streisfeld has represented a variety of businesses and individuals in a broad range of business litigation matters, including contract, fraud, breach of fiduciary duty, intellectual property, real estate, shareholder disputes, wage and hour, and deceptive trade practices claims. He also assists business owners and individuals with documenting contractual relationships. Mr. Streisfeld also provides legal representation in bid protest proceedings.

Mr. Streisfeld oversees the firm's appellate and litigation support practice, representing clients in the appeal of final and non-final orders, as well as writs of certiorari, mandamus, and prohibition. His appellate practice includes civil and marital and family law matters.

Previously, Mr. Streisfeld served as outside assistant city attorney for the City of Plantation and Village of Wellington in a broad range of litigation matters.

As a member of The Florida Bar, Mr. Streisfeld served for many years on the Executive Council of the Appellate Practice Section and is a past Chair of the Section's Communications Committee. Mr. Streisfeld currently serves as a member of the Board of Temple Kol Ami Emanu-El.



JASON H. ALPERSTEIN

Partner

Bar Admissions

The Florida Bar
New York Bar

Court Admissions

U.S. Court of Appeals for the Sixth Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Southern District of New York
U.S. District Court, Eastern District of New York
U.S. District Court, Eastern District of Michigan
U.S. District Court, Western District of Michigan
U.S. District Court, Northern District of Illinois

Education

University of Miami School of Law, J.D. – 2008
University of Miami School of Business, M.B.A. – 2008
Brown University, B.A. – 2004

Email: alperstein@kolawyers.com

Jason Alperstein is a partner at Kopelowitz Ostrow P.A. ("KO") and his practice focuses exclusively on the litigation of complex class actions, including cases involving automotive safety defects, mass torts, and data breaches. As a tireless advocate for consumers throughout his career, Jason has developed a track record of success in helping to implement significant business reforms and recover billions of dollars on behalf of those injured by fraudulent schemes and deceptive and unfair business practices.

Jason began his career as a class action litigator with KO in 2009 and rejoined the firm in 2021 after having the privilege of representing consumers around the country in some of the most important and unprecedented class actions. As a partner with Robbins Geller Rudman & Dowd LLP, Jason was an integral member of the team that litigated *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, & Prods. Liab. Litig.*, No. 15-md-2672 (N.D. Cal.), prosecuting claims on behalf of almost 600,000 consumers who were duped into purchasing and leasing Volkswagen, Audi and Porsche vehicles that were marketed as environmentally friendly. In reality, those vehicles had been installed with "defeat devices" that concealed the vehicles' true emission levels, which were up to 40 times the legal limit permitted by the EPA. Working closely with Lead Counsel and the Plaintiffs' Steering Committee, Jason was involved in almost all aspects of the litigation, including at the appellate level. A series of settlements were ultimately reached on behalf of purchasers, lessees and dealers that totaled well over $17 billion, the largest consumer automotive settlement in history.

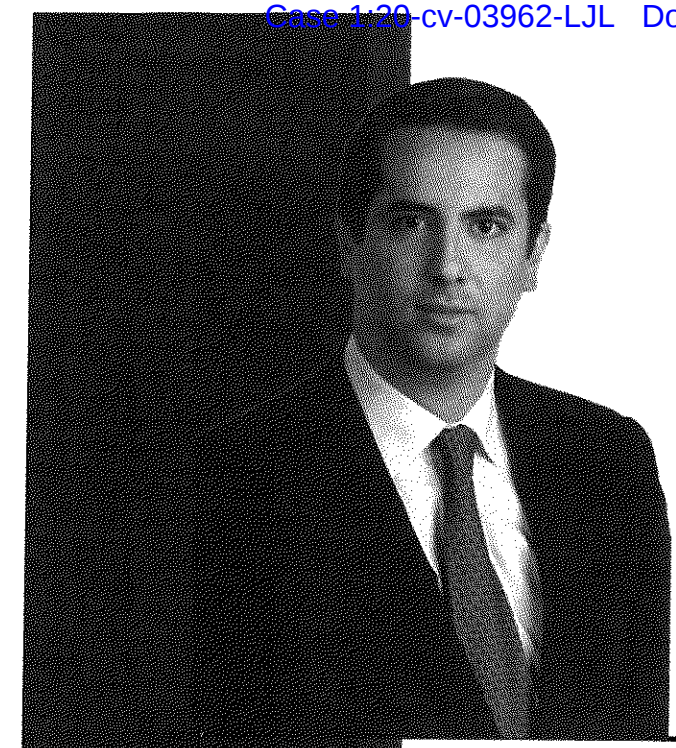
On the heels of the landmark "Clean Diesel" settlement, Jason helped obtain an $840 million global settlement in *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Prods. Liab. Litig.*, No. 3:17-md-02777-EMC (N.D. Cal.), for similar "defeat devices" installed in Jeep and Dodge diesel trucks and SUVs that were marketed as environmentally friendly "EcoDiesel" vehicles. Jason was also involve in some of the nation's most significant privacy cases, including *In re Yahoo! Inc. Customer Data Security Breach Litig.*, No. 5:16-md-02752-LHK (N.D. Cal.), where he assisted Lead Counsel in obtaining a $117.50 million recovery in the largest data breach in history.

Prior to these landmark recoveries, and as a partner with KO, Jason served on lead and co-lead litigation teams in nationwide and statewide class action lawsuits against dozens of the largest banking institutions in connection with the unlawful assessment of checking account overdraft fees. His efforts resulted in over $250 million in settlements for his clients and significant changes in the way banks charge overdraft fees to their customers. In addition, Jason led consumer class actions against product manufacturers for false and deceptive labeling, and some of the world's largest clothing retailers for their use of false and deceptive comparative pricing in their outlet stores. Before shifting his focus to class action litigation, Jason successfully represented institutional investors in securities fraud and derivative actions seeking damages related to the origination and servicing of residential mortgage-backed securities. He also gained substantial experience representing both plaintiffs and defendants in business litigation disputes involving trademark infringement, theft of trade secrets, fraudulent and negligent misrepresentation, breach of fiduciary duty, breach of contract, tortious interference, and commercial real estate litigation.

Jason has been recognized by several leading industry organizations for the success he has achieved in the class action practice area. For the past three years, *Benchmark Litigation* has named him to its 40 & Under Hot List (previously known as the Under 40 Hot List) for being an "ambitious and accomplished lawyer[] [who] frequently handle[s] major cases – some of which are high-stakes or precedent-setting." The publication honors "the best and brightest law firm partners who stand out in their practices throughout the US and in Canada." In 2017, Jason was recognized by *Law360* as a Consumer Protection Rising Star, and from 2014-2019 was selected as a *Florida Super Lawyer* "Rising Star" in the Class Action & Mass Tort category. Jason is also a frequent speaker on issues pertaining to class action practice and procedure, having presented for The Florida Bar, the Florida Alliance of Paralegal Associations, and the Stanford Plaintiffs' Lawyers Association.

Jason earned a dual Bachelor of Arts degree in Political Science and Sociology, with honors, from Brown University. While at Brown, he was a sprinter on the Varsity Track & Field team, studied at the University of Melbourne in Australia, and served as an intern for Judge Gilbert V. Indeglia of the Superior Court of Rhode Island. Jason received a Juris Doctor degree, cum laude, from the University of Miami School of Law, where he was a member of the Business Law Review, and a Masters of Business Administration in Finance from the University of Miami School of Business, where he was a Graduate Assistant Scholar.

Jason is a native of South Florida and is the past Miami-Dade Area Chair of the Brown Alumni Schools Committee. He also is a founding member of the American Heart Association's PULSE, has been inducted into the Leadership Broward Foundation, and is a graduate of the National Outdoor Leadership School (NOLS). Prior to practicing law, Jason served as an intern for United States Senator Bob Graham in Washington, D.C., and as an intern for Wolf Blitzer Reports in the Washington, D.C. bureau of CNN.



DANIEL TROPIN

Partner

Bar Admissions
The Florida Bar

Court Admissions
U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida

Education
University of Virginia, J.D. - 2012
Emory University, B.A. - 2008

Email: tropin@kolawyers.com

Daniel Tropin is a litigator who specializes in complex commercial cases and class action litigation. Mr. Tropin joined the law firm as a partner in 2018, and has a wealth of experience across the spectrum of litigation, including class actions, derivative actions, trade secrets, arbitrations, and product liability cases.

Mr. Tropin graduated from the University of Virginia law school in 2012, and prior to joining this firm, was an associate at a major Miami law firm and helped launch a new law firm in Wynwood. He was given the Daily Business Review's Most Effective Lawyers, Corporate Securities award in 2014. His previous representative matters include:

- Represented a major homebuilder in an action against a former business partner, who had engaged in a fraud and defamation scheme to extort money from the client. Following a jury trial, the homebuilder was awarded $1.02 billion in damages. The award was affirmed on appeal.

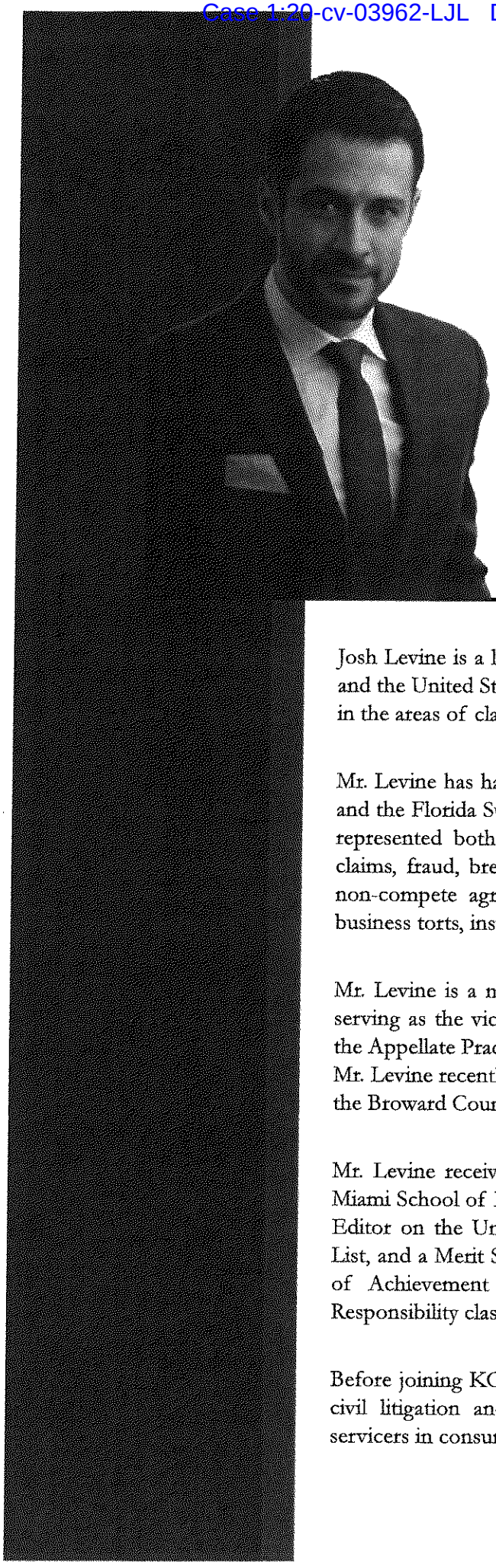
- Represented the former president and CEO of a cruise line in a lawsuit against a major international venture capital conglomerate, travel and entertainment company, based on allegations of misappropriation of trade secrets, breach of a non-disclosure agreement, and breach of a partnership agreement.

- Represented the CEO of a rapid finance company in an action seeking injunctive relief to protect his interest in the company.

- Represented a medical supply distribution company an action that involved allegations of misappropriation and breach of a non-circumvention agreement.

- Represented a mobile phone manufacturer and distributor in a multi-million-dollar dispute regarding membership interests in a Limited Liability Company, with claims alleging misappropriation of trade secrets and breach of fiduciary duty.

- Represented a major liquor manufacturer in a products liability lawsuit arising out of an incident involving flaming alcohol.



JOSH LEVINE

Partner

Bar Admissions

The Florida Bar

Court Admissions

U.S. Court of Appeals for the Fifth Circuit
U.S. Court of Appeals for the Sixth Circuit
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Illinois

Education

University of Miami School of Law, J.D. - 2011
University of Central Florida, B.A. - 2006

Email: levine@kolawyers.com

Josh Levine is a litigation attorney, and his practice takes him all over the State of Florida and the United States. Mr. Levine focuses on civil litigation and appellate practice, primarily in the areas of class actions and commercial litigation.

Mr. Levine has handled over 175 appeals in all five of Florida's District Courts of Appeal and the Florida Supreme Court, as well as multiple federal appellate courts. Mr. Levine has represented both businesses and individuals in litigation matters, including contractual claims, fraud, breach of fiduciary duty, negligence, professional liability, enforcement of non-compete agreements, trade secret infringement, real estate and title claims, other business torts, insurance coverage disputes, as well as consumer protection statutes.

Mr. Levine is a member of the Florida Bar Appellate Court Rules Committee, currently serving as the vice-chair of the Civil Practice Subcommittee and is an active member of the Appellate Practice Section of the Florida Bar and the Broward County Bar Association. Mr. Levine recently completed a four-year term as a member of the Board of Directors of the Broward County Bar Association Young Lawyers Section.

Mr. Levine received a Juris Doctor degree, Magna Cum Laude, from the University of Miami School of Law. While attending law school, he served as an Articles and Comments Editor on the University of Miami Inter-American Law Review and was on the Dean's List, and a Merit Scholarship recipient. Mr. Levine also was awarded the Dean's Certificate of Achievement in Legal Research and Writing, Trusts & Estates, & Professional Responsibility classes.

Before joining KO, Mr. Levine worked at an Am Law 100 firm where he also focused on civil litigation and appellate practice, primarily representing banks, lenders, and loan servicers in consumer finance related litigation matters.

KRISTEN LAKE CARDOSO

Partner

Bar Admissions
The Florida Bar

Court Admissions
U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida

Education
Nova Southeastern University, J.D., 2007
University of Florida, B.A., 2004

Email: cardoso@kolawyers.com

Kristen Lake Cardoso is a litigation attorney focusing on complex commercial cases and consumer class actions. She has gained valuable experience representing individuals and businesses in state and federal courts at both the trial and appellate levels in a variety of litigation matters, including contractual claims, fraud, breach of fiduciary duty, negligence, professional liability, real estate claims, enforcement of non-compete agreements, trade secret infringement, shareholder disputes, deceptive trade practices, other business torts, as well as consumer protection statutes.

Mrs. Cardoso's class action cases have involved, amongst other things, data breaches, violations of state consumer protection statutes, and breaches of contract. Mrs. Cardoso has represented students seeking reimbursements of tuition, room and board, and other fees paid to their colleges and universities for in-person education, housing, meals, and other services not provided when campuses closed during the COVID-19 pandemic. Ms. Cardoso has also represented consumers seeking recovery of gambling losses from tech companies that profit from illegal gambling games offered, sold, and distributed on their platforms.

Mrs. Cardoso is admitted to practice law throughout the State of Florida, as well as in the United States District Courts for the Southern District of Florida and the Northern District of Florida. Mrs. Cardoso attended the University of Florida, where she received her Bachelor's degree in Political Science, cum laude. She received her law degree from Nova Southeastern University, magna cum laude. While in law school, Mrs. Cardoso served as an Articles Editor for the Nova Law Review, was on the Dean's List, and was the recipient of a scholarship granted by the Broward County Hispanic Bar Association for her academic achievements. When not practicing law, Mrs. Cardoso serves as a volunteer at Saint David Catholic School. She has also served on various committees with the Junior League of Greater Fort Lauderdale geared towards improving the local community through leadership and volunteering.

RACHEL GLASER

Associate

Bar Admissions
The Florida Bar
The California Bar

Court Admissions
U.S. District Court, Southern District of Florida
U.S. District Court, Southern District of California

Education
Nova Southeastern University, J.D., 2020
Florida State University, B.S., 2017

Email: glaser@kolawyers.com

Rachel Feder Glaser is an attorney in KO's Fort Lauderdale office and is an active member of the Florida Bar. Her practice focuses primarily on class action litigation. Ms. Glaser litigates consumer class action lawsuits, including cases against some of the largest financial institutions in Florida and around the United States, challenging their unlawful assessment and collection of account fees. She has also assisted the firm in class actions targeting auto insurance companies across the country, in connection with the failure to provide proper coverage in the event of a total vehicular loss.

Ms. Glaser earned her Juris Doctor, summa cum laude, from Nova Southeastern University, Shepard Broad College of Law, where she served as an Executive Board Member of the Nova Trial Association, Senior Associate for the Nova Law Review, and as a teaching assistant for the Legal Research and Writing department. Ms. Glaser was consistently placed on the Dean's List and received the Book Awards in Legal research and Writing, Evidence, and Trial Advocacy.

While in law school, Ms. Glaser participated in national competitions for both the Nova Trial Association and the Moot Court Honor Society, winning a National Championship at the 2019 Buffalo-Niagara Mock Trial Competition. For her excellence in advocacy, Ms. Glaser was inducted into the Order of the Barristers.

Ms. Glaser received a Bachelor of Science in both Accounting and Finance from Florida State University. While attending Florida State, she interned for the University's Office of Inspector General Services where she assisted internal auditors in investigating allegations related to compliance, fraud, and abuse of university resources.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF JOSEPH M. LYON IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Joseph M. Lyon, hereby declare and state as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner in the firm of The Lyon Firm, LLC (" LF"), one of the law firms representing Plaintiffs in this Action.[1]

2. LF was one of the original filing attorneys in this action and represent lead Plaintiff Paul Culbertson. I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

3. LF has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. I along with Tatyana Reintjes were the attorneys working on this Litigation, along with paralegal Keianna Coulter.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On May 29, 2020, Plaintiff Melissa Alexander, represented by PSW and others, filed a Class Action Complaint against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 1:20-cv-04129-LJL, Compl., ECF 1.) Plaintiff Alexander filed a Statement of Relatedness to the *Culbertson* matter on the same day. (*Id.*, ECF 4.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, as a member of the third party discovery committee, LF has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) plaintiff vetting and drafting of the complaints; (3) legal research; (4) participating in case strategy conferences and decisions. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research and attention to detail.

8. Additionally, LF participated in regular calls with Class Counsel. During these calls, various aspects of this Action were discussed.

II. LF'S LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by LF for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, LF has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, filing of the initial Complaint.

10. Before initiating any action, Class Counsel conducted a thorough investigation of the claims, both legal and factual. Specifically, LF thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 8, 2021, for LF's attorneys and paralegals:

Attorney	**Total Hours**	**Hourly Rate**	**Amount**
Joseph M. Lyon	9.7	$675.00	$6, 547.50
Tatyana Reintjes	1.2	$275.00	$330.00
		$0	$
		$	$
		$	$
		$	$
Paralegal	**Total Hours**	**Hourly Rate**	**Amount**
Keianna Coulter	1.8	$100	$180.00
Total:			**$7, 057.50**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by PSW.

12. The attorneys of LF billed this case at their usual and customary hourly billing rates, which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation.

13. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time

LF HAS A LENGTHY HISTORY REPRESENTING CONSUMERS

14. LF has a lengthy history of representing consumers in product liability, mass tort and class action litigation. I have litigated and am currently involved in a diverse body of mass tort and class actions, including consumer protection, product defect, TCPA and data breach claims.

15. A true and correct copy of the LF Profile is attached as Exhibit A and current Copy of my CV is attached as Exhibit B.

16. I am the founding partner for the LF and have been working diligently on behalf of the Settlement Class Members in this matter.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: 11-24-21

/s/ Joseph M. Lyon
Joseph M. Lyon

THE LYON FIRM
Attorneys and Counselors at Law

FIRM PROFILE

The Lyon Firm is a Cincinnati, Ohio based Law Firm representing individuals nationwide in product liability and class action litigation. The Firm was founded in 2006 by Joe Lyon following his work as an associate for a large national mass tort plaintiff firm. Since opening the Lyon Firm, Mr. Lyon has represented thousands of individual clients in over 40 Multi-District Litigations in Federal and State Court consolidated actions. These cases have been against some of the largest companies in the world and involved complex litigation related to medical devices, pharmaceutical products, and toxic consumer products. Mr. Lyon has also obtained numerous seven figure results for individual plaintiffs in catastrophic injury cases involving automotive product defects, medical malpractice, and asbestos exposure.

During the course of the MDL work, Mr. Lyon has worked alongside MDL leadership, handled case specific MDL discovery and participated on MDL Discovery Committees (MDL 1748: *In re Testosterone Replacement Therapy*; MDL 2327: *In Re Ethicon Pelvic Repair Systems*; MDL 1598: *In Re: Ephedra Products Liability Litigation*) Mr. Lyon has been also been a part of an MDL trial team that resulted in a favorable Plaintiff's verdict. *(Wisniewski v Taketa Pharmaceuticals America Inc.* Case No: 120702272 *(* Philadelphia County, PA*;* In Re Actos State Bellwether Trial*)*

Mr. Lyon is actively involved in numerous class action data breach cases in State and Federal Court.

- *Desue v 20-20 Eye Care*, No. 21-cv-61275-RAR (S.D.of FL; Executive Committee)
- *Culbertson v. Deloitte Consulting* LLP 1:20-CV-3962 (S.D. of NY; Member of Discovery Committee)(Data Breach)
- *Jones v. Adena Health Care*, 21-CV-110 (Highland County Court of Common Pleas, Ohio; Proposed Co-Lead Counsel)
- *Boshears v. Tri Health Inc.,* A2101886 (Hamilton County Court of Common Pleas, Ohio; Proposed Co-Lead Counsel)
- *Devine v. Health Aid of Ohio, Inc. No. CV-21-948117 (*Cuyahoga County Court of Common Pleas, Ohio*)*
- *Fusilier v. USA Waste Management Resources, LLC 1:21-cv-0625)*(S.D of NY*)*
- *Maloney v. CSI Financial Services, LLC*, No. 37-2021-00033113 (Superior Court of California, County of San Diego)

Mr. Lyon is also actively involved in other privacy class actions.

- *Hawkins v. Navy Federal Credit Union, Case No: 1:19-cv-01186* (E.D. of VA; Appointed Co-Lead Class Counsel) Involved TCPA privacy class action that was approved for final settlement before Judge Brinkema for $9,250,000)
- *Hoagland v. H&R Block, Inc* 3:19-cv-00750-BAS-JLB (S.D. of CA)(Proposed Co-Lead)(TCPA Case)

FIRM PROFILE

- *Hoagland v. Axos Bank* 3:20-cv-00807-BAS-DEB (S.D. of CA)(Proposed Co-Lead) TCPA Case.
- *Dressler v. Newgg, Inc*. 2:21-cv-06303-AB-GJS (C.D of CA)(Proposed Co-Lead) TCPA Case.

In these pending data breach and privacy class cases, in past mass tort cases, and in the case before the Court, Mr. Lyon has worked with the Plaintiff class representatives vetting and interview process, researching the causes of action, complaint drafting, motion practice, discovery, and settlement negotiations and settlement approval. Mr. Lyon's broad experience in complex mass tort, class action and catastrophic injury litigation will allow him to work cooperatively with the leadership and offer value to the class in the complex issues that will be before this court. Mr. Lyon is qualified and has the knowledge and experience to serve on the Executive Committee to assist class counsel and the class in motion practice, written discovery and document productions, defending and taking depositions, participating in the settlement process, and preparing the case and trying the case if necessary.

CURRICULUM VITAE

JOSEPH M. LYON
Attorney at Law
2754 Erie Ave.
Cincinnati, Ohio 45208
513. 381. 2333
jlyon@thelyonfirm.com

Professional Experience

- The Lyon Firm, A Law Corp.; Cincinnati, Ohio, Founder (9/2006-Present)
- Lopez, Hodes, Restaino, Milman & Skikos, A Law Corp.; Cincinnati, Ohio, Associate (9/2004-9/2006)
- David W. Kapor & Associates; Cincinnati, Ohio, Associate (5/2003-9/2004)

Admissions to Practice Law

- The Supreme Court of Ohio (2003)
- United States District Court for the Southern District of Ohio (2005)
- The Supreme Court of Kentucky (2011)
- United States District Court of Colorado (2011)
- United States Court of Appeals for Veterans Claims (2012)
- United States District Court for the Northern District of Ohio (2013)
- United States District Court for the Northern District of Illinois (2014)
- United States District Court for the Eastern District of Kentucky (2014)
- United States Court of Appeals for the 6th Circuit (2015)

Education

- Chicago Kent College of Law, Illinois Institute of Technology**,** Chicago, IL, J.D. (12/2002)
    - Honors:
        - Federal Judicial Externship: United States District Court for the Northern District of Illinois, Judge William Hibbler; (January 2001-September 2001)
        - Law Review: Member of Chicago-Kent Journal of International and Comparative Law.

- Loyola University, Baltimore MD, B.A. in Political Science (1999)
    - International Study:
        - Katholieke Universiteit, Leuven, Belgium (9/1997-6/1998)
        - St. Louis University, Madrid, Spain (9/1998-12/1998)

Mass Tort Litigation Experience

Common Benefit Work

- MDL 1748 *In Re: Testosterone Replacement Therapy Products Liability Litigation*. Assisted in the formation of the litigation and the consolidation of over 4,000 cases before Judge Kenelly in the Northern District of Illinois. Performing document review and coding on regulatory and custodial files, and trial support for bellwether trials. (2/2015- Present)

- MDL 2327 *In Re: Ethicon, Inc. Pelvic Repair Systems Product Liability Litigation*. Performed document review and coding on custodial files, as well as bellwether trial support. (2013- 2016)

- In Re: Actos (Pioglitazone) Products Liability Litigation. *Wisniewski v. Takeda Pharmaceuticals et al*. (Case No. 120702272) Co-Counsel for bellwether trial in Philadelphia County. Jury awarded $2,340,000.00 in compensatory damages. (2014)

- MDL 1598 *In Re: Ephedra Products Liability Litigation*: Coordinated GNC document review, assisted in deposition preparation for 30(b)(6) depositions, and participated in bellwether trial support. (2004-2006)

Representative Current Mass Tort Litigation (Case Specific Work)

- MDL 2741 In Re Roundup Products Liability Litigation
- MDL 2738 In Re: Johnson & Johnson Talcum Powder
- MDL 2885 In Re: 3M Product Liability Litigation
- MDL 2441 In Re: Stryker Rejuvenate and ABG II Hip Implant Litigation
- MDL 2768 In Re: Stryker LFIT V-40 Femoral Head Product Liability Litigation
- MDL 2391 In Re: Biomet M2A Magnum Hip Implant Products Liability Litigation
- MDL 2734 In Re: Abilify (Aripiprazole) Products Liability Litigation
- MDL 2244 In Re: Depuy Orthopaedics, Inc. Pinnacle Hip Implant Litigation
- MDL 1748 In Re: Testosterone Replacement Therapy Products Liability Litigation.
- MDL 2502 In Re: Lipitor (Atorvastatin Calcium) Products Liability Litigation
- JCCP 4887 In Re Essure Product Cases

Representative Past Mass Tort Litigation (Case Specific Work)

- In Re Depo Provera: New Jersey Consolidated State Litigation
- In Re: Yaz/ Yasmin/ Ocella Litigation. Philadelphia Consolidated State Litigation
- MDL 2197 In Re: Depuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation
- MDL 1871 In Re: Avandia Marketing, Sales Practices and Products Liability Litigation
- MDL 1598 In Re: Ephedra Products Liability Litigation
- MDL 1905 In Re: Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation
- MDL 1769 In Re: Seroquel Products Liability Litigation
- MDL 1928 In Re: Trasylol Products Liability Litigation
- MDL 1785 In Re: Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation
- MDL 1657 In Re: Vioxx Marketing, Sales Practices and Products Liability Litigation
- MDL 2226 In Re: Darvocet, Darvon, and Propoxyphene Products Liability Litigation

- MDL 2327 In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation
- MDL 2325 In Re: AMS, Inc., Pelvic Repair System Products Liability Litigation
- MDL 2187 In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation
- MDL 2387 In Re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation
- MDL 2326 In Re: Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation
- MDL 2299 In Re: Actos (Pioglitazone) products Liability Litigation
- MDL 1842 In Re: Kugel Mesh Hernia Patch Products Liability Litigation

Past Class Action Work

- *Hawkins v. Navy Federal Credit Union, Case No: 1:19-cv-01186* (E.D. of VA; Appointed Co-Lead Class Counsel) Involved TCPA privacy class action that was approved for final settlement before Judge Brinkema for $9,250,000)

- *MDL 2591 In Re: Syngenta AG MIR 162 Corn Litigation* (Filed the first putative class actions on behalf of Ohio and Kentucky farmers in claims against Syngenta arising from marketing and the sale of a genetically modified seed prior to the approval of China. Continued to represent numerous individual farmers in the MDL process through national class approval.)

Notable Single Event Settlements

- *Murphy v. University Hospital* (2019) Hamilton County, Ohio A-18-03027. Lead Counsel in Medical Malpractice Case involving the misdiagnosis of cancer and unnecessary operation to remove 17 lymph nodes. The patient was cancer free and the unnecessary surgery left her with permanent lymphedema. Confidential Settlement.

- *Lemon v. FMK Firearms, Inc. et al.* (2016) E. Dist. of KY Case NO 2:15-cv-00128. *Lead Counsel.* Complex Product Liability case involving defective handgun that was subject to a recall due to drop-fire risks. Plaintiff suffered severe injuries including compartment syndrome when gun was accidently dropped and fired. Confidential settlement.

- *Waters v. F&P America MFG, Inc.* (2016) Miami County, Ohio Case No. 15-103. *Lead Counsel.* Workplace intentional tort claim involving a corporate policy to circumvent a perimeter cage designed to protect workers from hydraulic equipment malfunction. Plaintiff suffered catastrophic amputation of multiple fingers when a machine misfired. Confidential settlement.

- *Estate of Ralph Jamison v. Continental Appliances, Inc.* (2013) Adams County, Ohio Case No. CVB 20120499. *Lead Counsel.* Complex Product Liability case involving a defective propane wall heater that resulted in severe burn injuries and Wrongful Death. Confidential Settlement.

- *Estate of Joseph Ponsi v. RCD Sales, Inc.* (2012) Ashland County, Ohio Case No. 12-CVI-017). *Lead Counsel*. Dealership negligence involving the sale of a recreational towing vehicle that

exceeded towing capacity of tow vehicle resulting in rollover and Wrongful Death. Confidential Settlement.

- *Armesia Thomas v. General Motors et al.* (2011) E. Dist. of KY Case No. 08-228-ART. *Lead Counsel*. Complex Product Liability action involving claims of defective seat belt design resulting in catastrophic spinal cord injury to 19 year old female. Confidential settlement with General Motors and Takata Defendants.

- *Michael Urchak v. Donnell Ford Lincoln Mercury of Salem, Inc.* (2010) Mahoning County, Ohio Case No 08-CV-3700). *Lead Counsel.* Dealership negligence causing mechanical failure and loss of control of vehicle resulting in spinal cord injury. Confidential Settlement.

- *Charles & Jennifer Briner, Individually and on Behalf of Christopher Briner, A Minor v Daimler Chrysler Corporation*. (2007) (Richland County, Ohio Case No. 05-CV-371). *Second Chair*. Complex Product Liability action involving claims of defective seat belt buckle resulting in inadvertent buckle release and catastrophic brain injury to a minor. Confidential settlement.

- *Marlene Lewis et al v. Alex Saba,, M.D*. (2006) Hamilton County, Ohio, Case No. A0501599. *Second Chair*. Medical malpractice claims arising from the failure to diagnose breast cancer resulting in cancer progression, loss of survival, and additional invasive medical care. Confidential Settlement.

Memberships & Board Positions

Attorneys Information Exchange Group (2006- Present)
American Association for Justice, Trial Magazine, Peer Review Panel (2018-Present)
American Association for Justice, TRT Litigation Group Co-Chair (2014-Present)
American Association for Justice Litigation Group Leaders Council (2014- Present)
American Association for Justice, Member (2003- Present)
American Association for Justice, "New Lawyers Board of Governors" (2004-2013)
Kentucky Association for Justice (2011- Present)
National Trial Lawyers (2009-Present)
National Organization for Veterans' Advocates (2013- Present)
Ohio Association for Justice (2003-2007; 2013-Present)
Ohio Association for Justice, Product Liability Section Chair (2014-2015)

Publications & Presentations

- *Mass Torts in State Court*. OAJ Summer Convention, Columbus, OH (2017)

- *Managing Client Expectations*. OAJ Summer Convention. Columbus, OH (2015)

- *The Wheels of Justice: Mass Torts in State Courts*. OAJ Quarterly. Product Liability Section. (2015)

- *"Low T"- The Creation of a Disease*. OAJ Quarterly. Product Liability Section. (2014)
- *Ethical Aspects of Mass Tort Marketing*. AAJ Summer Convention. Baltimore, MD (2014)
- *Testosterone Replacement Therapy MDL Update and Case Criteria*. AAJ Summer Convention. Baltimore, MD (2014)
- *Testosterone Replacement Therapy --Specific Causation.* AAJ Mass Tort Update Seminar. San Diego, CA (2014)
- *Testosterone Replacement Therapy --Causes of Action*. AAJ Emerging Mass Tort Seminar. Louisville, KY (2014)
- *Parallel Claims & Reporting Requirements: New Motivation for Drug Manufacturers to Give Adequate Warning*. OAJ Quarterly. Product Liability Section (2013)
- *Where to Begin Your Search for the Smoking Gun: Organizing Your Strategy and Informal Discovery*. National Business Institute Seminar. Cincinnati, OH (2010)
- *Written Discovery Strategies*. National Business Institute Seminar. Cincinnati, OH (2010)
- *A Separate Piece in Seeking Justice: Civil Themes and Skills in Public Defense*. AAJ, Criminal Law Section, Vol. 16, No.2 Winter (2009)
- *The Weight of Expert Testimony*. National Business Institute Seminar. Cincinnati, OH (2009)
- *Punitive Damages: Current Trends and Strategies*. National Business Institute Seminar. Cincinnati, Ohio (2009)
- *Jury Selection: Your First Trial*. Northern Kentucky College of Law. (2009)
- *Utilizing ATLA Resources for Law Students*. University of Cincinnati College of Law. (2003)

Honors & Awards

- Super Lawyers (Class Action and Mass Torts) (2018, 2019, 2020, 2021, 2022)
- Super Lawyers, Rising Stars (Class Action and Mass Torts) (2012, 2013, 2014, 2015, 2016)
- National Trial Lawyers: Top 100 Trial Lawyers for Ohio (2009-Present)
- National Trial Lawyers: Top 20 Mass Tort Lawyers (2018- Present)
- AVVO: 10/10 Rating

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF MELISSA S. WEINER IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Melissa S. Weiner, hereby declare and state as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner in the firm of Pearson, Simon & Warshaw, LLP ("PSW"), one of the law firms representing Plaintiffs in this Action.[1]

2. PSW was appointed one of the Settlement Class Counsel in this Action. (Order Granting Preliminary Approval, ECF 137 at 3.) I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

3. PSW has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current and former attorneys from PSW, in addition to myself, who have worked on this Litigation are Michael Pearson, Joseph Bourne and Gregory Arenson.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On May 29, 2020, Plaintiff Melissa Alexander, represented by PSW and others, filed a Class Action Complaint against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 1:20-cv-04129-LJL, Compl., ECF 1.) Plaintiff Alexander filed a Statement of Relatedness to the *Culbertson* matter on the same day. (*Id.*, ECF 4.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, as chair of the Law and Briefing Committee, PSW has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) drafting of the complaints; (3) settlement discovery; (4) legal research; (5) drafting of motions and briefs: (6) participating in case strategy conferences and decisions; (7) documenting the settlement

agreement and preparation of exhibits; and (8) preparing the settlement approval documents. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research and attention to detail.

8. Additionally, PSW participated in regular calls with Class Counsel. During these calls, various aspects of this Action were discussed.

II. PSW'S LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by PSW for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, PSW has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, filing of the initial Complaint, discovery, settlement discussions, motions for settlement approval and assistance with settlement administration for the Settlement Class Members.

10. Before initiating any action, Class Counsel conducted a thorough investigation of the claims, both legal and factual. Specifically, PSW thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 8, 2021, for PSW's attorneys and paralegals:

Attorney	Total Hours	Hourly Rate	Amount
Melissa S. Weiner	26.50	$800.00	$21,200.00
Melissa S. Weiner	8.80	$820.00	$7,216.00
Michael H. Pearson	76.60	$625.00	$47,875.00
Joseph C. Bourne	24.50	$690.00	$16,905.00
Joseph C. Bourne	.50	$720.00	$360.00
Gregory N. Arenson	8.00	$575.00	$4,600.00

Paralegal	Total Hours	Hourly Rate	Amount
Total:	**144.90**		**$98,156.00**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by PSW.

12. The attorneys of PSW billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including:

a. *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, Case No. 1:14-cv-04391-VSB (S.D.N.Y.). In 2021, Judge Vernon S. Broderick issued an attorneys' fees award finding the following that the following PSW rates were reasonable: $1,190 for Clifford H. Pearson, and Daniel L. Warshaw, $750 for Melissa S. Weiner, $690 for Joseph C. Bourne, and $560 for Matthew A. Pearson.

b. *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, Case No. 4:14-md-2541-CW (N.D. Cal.). In 2019, Magistrate Judge Cousins issued an attorneys' fees award finding the following that the following PSW rates were reasonable: $985 (2016) and $1,035 (2017) for Clifford H. Pearson and Bruce L. Simon and, $1,050 (2018) and $1,150 (2019) for Clifford H. Pearson, Bruce L. Simon and Daniel L. Warshaw, $520 (2017), $720 (2015) and $825 (2016) for Aaron M. Sheanin, $650 (2018) and $900 (2019) for Benjamin E. Shiftan, $350 (2017) for Alexander L. Simon, $400 (2018) and $450 (2019) for Alexander L. Simon and Matthew A. Pearson, $225 (2017) for Amanda C. Lunzer, and $225 (2019) for Bradd J. Kopp and Elloween J. Grant. This award was adopted in whole by Judge Claudia Wilken.

c. *In re Credit Default Swaps Antitrust Litigation*, Case No. 1:13-md-02476-DLC (S.D.N.Y). In 2016, the court issued an attorneys' fee award which included PSW at weighted average rates of $958.07 for Clifford H. Pearson, $935 Bruce L. Simon, $827 for Daniel L. Warshaw, $472.75 for Veronica W. Glaze, and $385 for Matthew A. Pearson.

d. *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 3:07-cv-05944-JST (N.D. Cal.). In 2016, the court issued an attorneys' feed award which included PSW at rates of $985 (2016) for Clifford H. Pearson, Bruce L. Simon and Daniel L. Warshaw.

e. *James Eashoo v. Iovate Health Sciences U.S.A., Inc.*, Case No. 2:15-cv-01726-BRO-PJW (C.D. Cal.). In 2016, the court issued an attorneys' feed award which included PSW at rates of $985 (2016) for Clifford H. Pearson and Daniel L. Warshaw, $385 (2016) for Matthew A. Pearson.

f. *Patricia Weckwerth et al. v. Nissan North America, Inc.*, Case No. 3:18-cv-00588 (M.D. Tenn.). In 2020, the court issued an attorneys' feed award which included PSW at the rate of $1,150 (2010) for Daniel L. Warshaw, $750 for Melissa S. Weiner (2020) and $670 (2020) for Joseph C. Bourne.

13. During the course of this Action, PSW incurred $381.41 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of PSW and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Telephone, Conference Calls and Facsimile	$2.92
Court Costs, Filing Fees and Transcripts	$0
Delivery/Courier	$0
Carfare, Travel and Meals	$0
Legal Research	$315.49
Service of Process	$0
TOTAL	**$318.41**

14. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. PSW HAS A LENGTHY HISTORY REPRESENTING CONSUMERS

15. PSW has a lengthy history of representing consumers, employees, businesses and other clients in class action and other commercial litigation. A true and correct copy of the PSW Firm Resume is attached as Exhibit A.

16. I am a partner in the Minneapolis office of PSW has been working diligently on behalf of the Settlement Class Members in this matter. I have litigated a diverse body of class actions, including consumer protection, product defect, intellectual property, food litigation, automotive, false advertising and Fair Credit Reporting Act claims.

17. Since my admission to the bar in 2007, I have earned appointment in a variety of MDLs and class actions throughout the country. I presently chair the Plaintiffs' Executive Committee ("PEC") in *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation*, 1:16-md-02695-JB-LF (D.N.M.). In that role, I am responsible for leading and directing pretrial matters, including the delegation of common benefit work responsibilities to the members of the PEC. I had a substantial role in strategizing and preparing

the opposition to the motion to dismiss and was lead in arguing the motion to dismiss, which resulted in a 249-page order favorable to the plaintiffs. Additionally, I co-led all strategy related to class certification, which culminated with a one-week hearing in December 2020. Additionally, in a contested motion, I was appointed as Co-Lead Interim Class Counsel in *In re Fairlife Milk Products Marketing and Sales Practices Litigation*, MDL No. 2909, No. 19-cv-3924 (N.D. Ill.), a nationwide false advertising class action. I was also appointed to the Plaintiffs' Steering Committee in *In re: Blackbaud, Inc., Customer Data Breach Litigation*, MDL No. 2972 (D.S.C.). and the Plaintiffs' Executive Committee in *In Re: Luxottica of America, Inc. Data Security Breach Litigation* (S.D. Ohio) (Appointed Interim Executive Committee Member).

18. I am a frequent lecturer at food law and litigation conferences, serves in the non-profit sector and teaches food law as an adjunct professor at Mitchell Hamline School of Law. I am a Board member of Public Justice, a national nonprofit legal advocacy organization advocating for the rights of employees and consumers and presently serve as the Chair of the Development Committee. Additionally, I served on the Food & Drug Law Counsel for the Minnesota State Bar Association for many years and frequently speak at their FDA Forum. I am especially proud of my work as former Co-Chair for the Mass Tort and Class Action Practice Group for the Minnesota Chapter of the Federal Bar Association where in collaboration with the Bench, I helped institute new recommended procedures for inclusion of newer and diverse attorneys in key litigation roles to combat the steep decline of in-court opportunities that disproportionally impacts women, diverse attorneys and other underrepresented groups.[2]

[2] While men and women have been enrolling in law schools at roughly the same rate for decades and the percentage of women associates at larger firms is comparable to the number of men associates, the percentage of partners who are women remains below 25 percent. The percentage of diverse attorneys who are associates at larger firms has increased to almost 25 percent, yet the

IV. PSW HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS

19. PSW has the experience, resources and ability to adequately represent the Settlement Class Members in this class action lawsuit.

20. PSW's firm resume reflects that the attorneys in this case have successfully adjudicated some of the largest and most important class action lawsuits in the United States and have obtained approximately three billion dollars in settlements and verdicts in a wide range of cases.

21. For example, PSW served as Co-Lead Counsel in *In re Credit Default Swaps Antitrust Litigation*, MDL No. 2476 (S.D.N.Y.), an antitrust class action alleging an anticompetitive conspiracy by the largest international banks and financial institutions in the world to fix the price of credit default swaps. That case resulted in $1.86 billion in settlements, making it one of the largest civil lawsuit recoveries in history.

22. PSW also served as Co-Lead Counsel on behalf of the Direct Purchaser Plaintiffs in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). In that case, we helped secure a settlement of over $400 million for the Class and obtained an $87 million verdict, before trebling, following a five-week trial against the only remaining defendant in the case, Toshiba Corporation and its related entities.

23. PSW attorneys served as class counsel in *James v. UMG Recordings, Inc.*, Case No. 11-cv-01613-SI (N.D. Cal.) and *In re Warner Music Group Corp. Digital Downloads Litigation*, Case No. 12-cv-0559-RS (N.D. Cal.), nationwide class actions brought on behalf of recording artists and producers who alleged that they were systematically underpaid royalties by

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percentage of diverse attorneys who are partners remains below ten percent. *See Woman and Minorities at Law Firms—What Has Changed and What Has Not in the Past 25 Years*, NALP Bulletin (Feb. 2018), https://www.nalp.org/0218research (last visited Nov. 8, 2021).

the record companies UMG Recordings and Warner Music Group. In groundbreaking class action settlements, PSW helped secure both past relief and future relief in perpetuity for eligible class members who receive royalties from the defendant record companies.

24. PSW also served as counsel in a series of related class action lawsuits arising from the failure of major movie studios to adequately account for and pay home video revenue to profit participants, which resulted in class action settlements in the following cases:

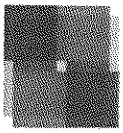
- *Colin Higgins Productions, Ltd. v. Universal City Studios, LLC* (L.A. Super. Ct. Case No. BC499180);
- *Colin Higgins Productions, LTD. v. Paramount Pictures Corporation* (L.A. Super. Ct. Case No. BC499179);
- *Martindale, et al. v. Sony Pictures Entertainment, Inc.* (L.A. Super. Ct. Case No. BC499182); and
- *Stanley Donen Films, Inc. v. Twentieth Century Fox Film Corporation* (L.A. Super. Ct. Case No. BC499181).

25. In addition to those listed above, PSW has served as lead or co-lead counsel in some of the most advanced and cutting-edge class actions in the country, including *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.); *In re Potash Antitrust Litigation* (II), MDL No. 1996 (N.D. Ill.); and *In re Carrier IQ Consumer Privacy Litigation*, MDL No. 2330 (N.D. Cal.).

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: November 23, 2021

/s Melissa S. Weiner
Melissa S. Weiner



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Pearson, Simon & Warshaw, LLP ("PSW") is an AV-rated civil litigation firm with offices in Los Angeles, San Francisco and Minneapolis. The firm specializes in complex litigation, including state coordination cases and federal multi-district litigation. Its attorneys have extensive experience in antitrust, securities, consumer protection, and unlawful employment practices. The firm handles national and multi-national class actions that present cutting-edge issues in both substantive and procedural areas. PSW attorneys understand how to litigate difficult and large cases in an efficient and cost-effective manner, and they have used these skills to obtain outstanding results for their clients, both through trial and negotiated settlement. They are recognized in their field for excellence and integrity, and are committed to seeking justice for their clients.

CASE PROFILES

PSW attorneys currently hold, or have held, a leadership role in the following representative cases:

- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, Northern District of California, MDL No. 2451. PSW attorneys currently serve as co-lead counsel in this multidistrict litigation that alleges the NCAA and its member conferences violate the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college students who are football and basketball players can receive. PSW settled the damages case, recently obtaining final approval of a $208 million dollar settlement. PSW attorneys with co-counsel have completed a bench trial for the injunctive portion of the case. A verdict for Plaintiffs was awarded, and the United States Supreme Court recently issued an Opinion affirming the verdict 9-0. *See NCAA v. Alston*, 141 S.Ct. 2141 (2021).

- *In re Credit Default Swaps Antitrust Litigation*, Southern District of New York, MDL No. 2476. PSW attorneys served as co-lead counsel and represented the Los Angeles County Employees Retirement Association ("LACERA") in a class action on behalf of all purchasers and sellers of Credit Default Swaps ("CDS") against twelve of the world's largest banks. The lawsuit alleged that the banks, along with other defendants who controlled the market infrastructure for CDS trading, conspired for years to restrain the

efficient trading of CDS, thereby inflating the cost to trade CDS. The alleged antitrust conspiracy resulted in billions of dollars in economic harm to institutional investors such as pension funds, mutual funds, and insurance companies who used CDS to hedge credit risks on their fixed income portfolios. After nearly three years of litigation and many months of intensive settlement negotiations, PSW helped reach a settlement with the defendants totaling $1.86 *billion* plus injunctive relief. On April 15, 2016, the Honorable Denise L. Cote granted final approval to the settlement, which is one of the largest civil antitrust settlements in history.

- *In re TFT-LCD (Flat Panel) Antitrust Litigation*, Northern District of California, MDL No. 1827. PSW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of thin film transistor liquid crystal display ("TFT-LCD") panels. Worldwide, the TFT-LCD industry is a multi-billion dollar industry, and many believe that this was one of the largest price-fixing cases in the United States. PSW helped collect over $405 million in settlements before the case proceeded to trial against the last remaining defendant, Toshiba Corporation and its related entities. PSW partner Bruce L. Simon served as co-lead trial counsel, successfully marshaled numerous witnesses, and presented the opening argument. On July 3, 2012, PSW obtained a jury verdict of $87 million (before trebling) against Toshiba. PSW later settled with Toshiba and AU Optronics to bring the total to $473 million in settlements. In 2013, California Lawyer Magazine awarded Mr. Simon a California Lawyer of the Year Award for his work in the *TFT-LCD* case.

- *In re Potash Antitrust Litigation (No. II)*, Northern District of Illinois, MDL No. 1996. PSW partner Bruce L. Simon served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of potash sold in the United States. After the plaintiffs defeated a motion to dismiss, the defendants appealed, and the Seventh Circuit Court of Appeals agreed to hear the case *en banc*. Mr. Simon presented oral argument to the *en banc* panel and achieved a unanimous 8-0 decision in his favor. The case resulted in $90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antirust conspiracies. *See Minn-Chem, Inc. v. Agrium Inc.*, 683 F. 3d 845 (7th Cir. 2012).

- *Vakilzadeh v. The Trustees of The California State University*, Los Angeles County Superior Court, Case No. 20STCV23134. PSW partner Daniel L. Warshaw serves as co-lead counsel for a putative class of California State University students who were not provided refunds of tuition and fees from the closing all campuses and ending in-person learning and activities.

- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.*, Eastern District of New York, Case No. 1:17-cv-05495-MKB-ST. PSW, along with co-counsel, represents the North American Soccer League in a matter against the United States Soccer Federation and Major League Soccer alleging antitrust violations. The complaint alleges that U.S. Soccer and MLS have driven NASL out of

business and have prevented NASL from competing against MLS (the sole Division I league) and the United Soccer League (the sole Division II league), which is affiliated with MLS.

- *In re Broiler Chicken Antitrust Litigation*, Northern District of Illinois, Case No. 1:16-cv-08637. PSW attorneys currently serve as interim co-lead counsel on behalf of direct purchaser plaintiffs. The complaint alleges that the nation's largest broiler chicken producers violated antitrust laws by limiting production and manipulating the price indices. Thus far, PSW and co-counsel have secured final approval of over $169 million in settlements for the direct purchaser plaintiffs with numerous defendants remaining in the litigation.

- *In re Pork Antitrust Litigation*, District of Minnesota, Case No. 0:18-cv-01776. PSW attorneys currently serve as interim co-lead counsel on behalf of direct purchaser plaintiffs. The complaint alleges that the nation's largest pork producers violated antitrust laws by limiting production and manipulating the price indices. Thus far, PSW and co-counsel have secured over $100 million in settlements for the direct purchaser plaintiffs with numerous defendants remaining in the litigation.

- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.*, Northern District of California Case No. 4:17-cv-05343-JSW. PSW attorneys currently serve as Class counsel in this certified copyright class action alleging that defendants broadcasted, continue to broadcast, or otherwise make available to the public, copyrighted musical works of Plaintiffs and the Class without proper licenses, as required under the Copyright Act.

- *Grace v. Apple, Inc.*, Northern District of California, 5:17-CV-00551. PSW partner Daniel L. Warshaw currently serves as class counsel in this California certified class action on behalf of consumers who allege Apple intentionally broke its "FaceTime" video conferencing feature for Apple iPhone 4 or iPhone 4S users operating on iOS 6 or earlier.

- *In re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation*, District of New Mexico, Case No. 1:16-md-02695-JB-LF. PSW partner Melissa S. Weiner chairs the Executive Committee and PSW partner Daniel L. Warshaw serves on the executive committee. This class action alleges that defendants' "natural" and "additive free" claims on their tobacco products were false and misleading to consumers.

- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation*, Southern District of New York, MDL No. 2542. In June 2014, Judge Vernon S. Broderick appointed PSW to serve as interim co-lead counsel on behalf of indirect purchaser plaintiffs in this multidistrict class action litigation. The case arises from the alleged unlawful monopolization of the United States market for single-serve coffee packs by Keurig Green Mountain, Inc. Keurig's alleged anticompetitive conduct includes acquiring competitors, entering into exclusionary agreements with suppliers and distributors to prevent

competitors from entering the market, engaging in sham patent infringement litigation, and redesigning the single-serve coffee pack products in the next version of its brewing system to lock out competitors' products. PSW and co-counsel recently obtained final approval of a $31 million settlement.

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.*, Northern District of California, Case No. 14-cv-0608. PSW attorneys currently serve as co-lead counsel in this certified class action and FLSA collective action on behalf of minor league baseball players who allege that Major League Baseball and its member franchises violate the FLSA and state wage and hour laws by failing to pay minor league baseball players minimum wage and overtime.

- *In re KIND LLC "Healthy and All Natural" Litigation*, Southern District of New York, MDL No. 2645. PSW partner Daniel L. Warshaw currently serves as interim co-lead counsel in this multistate certified class action on behalf of consumers who allege that they purchased KIND snack bars that were falsely advertised as "all natural," "non-GMO," and/or "healthy."

- *Trepte v. Bionaire, Inc.*, Los Angeles County Superior Court, Case No. BC540110. PSW attorneys served as Class Counsel in this certified class action alleging that the defendant sold defective space heaters. The complaint alleged that defendant breached the warranty and falsely advertised the safety of the heaters due to design defects that cause the heaters to fail – and, as a result of the failure, the heaters could spark, smoke and catch fire. Final approval of the class settlement was recently granted.

- *In re Carrier IQ Consumer Privacy Litigation*, Northern District of California, MDL No. 2330. PSW attorneys served as interim co-lead counsel in this putative nationwide class action on behalf of consumers who alleged privacy violations arising from software installed on their mobile devices that was logging text messages and other sensitive information.

- *Sciortino, et al. v. PepsiCo, Inc.*, Northern District of California, Case No. 14-cv-0478. PSW attorneys served as interim co-lead counsel in this putative California class action on behalf of consumers who alleged that PepsiCo failed to warn them that certain of its sodas contain excess levels of a chemical called 4-Methylimidazole in violation of Proposition 65 and California consumer protection statutes.

- *James v. UMG Recordings, Inc.*, Northern District of California, Case No. 11-cv-01613. PSW partner Daniel L. Warshaw served as interim co-lead counsel in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company UMG.

- *In re Warner Music Group Corp. Digital Downloads Litigation*, Northern District of California, Case No. 12-cv-00559. PSW attorneys served as interim co-lead counsel, with

partner Bruce L. Simon serving as chairman of a five-firm executive committee, in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company Warner Music Group.

- *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation,* Northern District of California, MDL No. 1486. PSW partner Bruce L. Simon served as co-chair of discovery and as a member of the trial preparation team in this multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Mr. Simon was responsible for supervising and coordinating the review of almost a terabyte of electronic documents, setting and taking depositions, establishing and implementing protocols for cooperation between the direct and indirect plaintiffs as well as the Department of Justice, presenting oral arguments on discovery matters, working with defendants on evidentiary issues in preparation for trial, and preparation of a comprehensive pretrial statement. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over $325 million.

- *In re Methionine Antitrust Litigation*, Northern District of California, MDL No. 1311. PSW partner Bruce L. Simon served as co-lead counsel in this nationwide antitrust class action involving a conspiracy to fix prices of, and allocate the markets for, methionine. Mr. Simon was personally responsible for many of the discovery aspects of the case including electronic document productions, coordination of document review teams, and depositions. Mr. Simon argued pretrial motions, prepared experts, and assisted in the preparation of most pleadings presented to the Court. This action resulted in over $100 million in settlement recovery for the Class.

- *In re Sodium Gluconate Antitrust Litigation*, Northern District of California, MDL No. 1226. PSW partner Bruce L. Simon served as class counsel in this consolidated antitrust class action arising from the price-fixing of sodium gluconate. Mr. Simon was selected by Judge Claudia Wilken to serve as lead counsel amongst many other candidates for that position, and successfully led the case to class certification and settlement.

- *In re Citric Acid Antitrust Litigation*, Northern District of California, MDL No. 1092. PSW partner Bruce L. Simon served as class counsel in antitrust class actions against Archer-Daniels Midland Co. and others for their conspiracy to fix the prices of citric acid, a food additive product. Mr. Simon was one of the principal attorneys involved in discovery in this matter. This proceeding resulted in over $80 million settlements for the direct purchasers.

- *Olson v. Volkswagen of America, Inc.*, Central District of California, Case No. CV07-05334. PSW attorneys brought this class action lawsuit against Volkswagen alleging that the service manual incorrectly stated the inspection and replacement intervals for timing belts on Audi and Volkswagen branded vehicles equipped with a 1.8 liter turbo-charged engine. This case resulted in a nationwide class settlement.

- *Swain et al. v. Eel River Sawmills, Inc. et al.*, California Superior Court, DR-01-0216. Bruce L. Simon served as lead trial counsel for a class of former employees of a timber company whose retirement plan was lost through management's investment of plan assets in an Employee Stock Ownership Plan. Mr. Simon negotiated a substantial settlement on the eve of trial resulting in a recovery of approximately 40% to 50% of plaintiffs' damages after attorneys' fees and costs.

- *In re Homestore Litigation*, Central District of California, Master File No. 01-11115. PSW attorneys served as liaison counsel and class counsel for plaintiff CalSTRS in this securities class action. The case resulted in over $100 million in settlements to the Class.

- *In re MP3.Com, Inc., Securities Litigation*, Southern District of California, Master File No. 00-CV-1873. PSW attorneys served as defense counsel in this class action involving alleged securities violations under Rule 10b-5.

- *In re Automotive Refinishing Paint Cases*, Alameda County Superior Court, Judicial Council Coordination Proceeding No. 4199. PSW attorneys served as class counsel with other law firms in this coordinated antitrust class action alleging a conspiracy by defendants to fix the price of automotive refinishing products.

- *In re Beer Antitrust Litigation*, Northern District of California, Case No. 97-20644 SW. PSW partner Bruce L. Simon served as primary counsel in this antitrust class action brought on behalf of independent micro-breweries against Anheuser-Busch, Inc., for its attempt to monopolize the beer industry in the United States by denying access to distribution channels.

- *In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation*, San Francisco Superior Court, Judicial Counsel Coordination Proceeding No. 4027. PSW partner Bruce L. Simon served as co-lead counsel for the public entity purchaser class in this antitrust action arising from the price-fixing of commercial sanitary paper products.

- *Hart v. Central Sprinkler Corporation*, Los Angeles County Superior Court, Case No. BC176727. PSW attorneys served as class counsel in this consumer class action arising from the sale of nine million defective fire sprinkler heads. This case resulted in a nationwide class settlement valued at approximately $37.5 million.

- *Rueda v. Schlumberger Resources Management Services, Inc.*, Los Angeles County Superior Court, Case No. BC235471. PSW attorneys served as class counsel with other law firms representing customers of the Los Angeles Department of Water & Power ("LADWP") who had lead-leaching water meters installed on their properties. The Court granted final approval of the settlement whereby defendant would pay $1.5 million to a *cy*

pres fund to benefit the Class and to make grants to LADWP to assist in implementing a replacement program to the effected water meters.

- *In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices Litigation,* Northern District of California, MDL No. 1114. PSW partner Bruce L. Simon worked on this nationwide product defect class action brought under the Lanham Act. The proposed class was certified, and a class settlement was finally approved by Chief Judge Vaughn Walker.

- *In re iPod nano Cases*, Los Angeles County Superior Court, Judicial Counsel Coordination Proceeding No. 4469. PSW attorneys were appointed co-lead counsel for this class action brought on behalf of California consumers who own defective iPod nanos. The case resulted in a favorable settlement.

- *Unity Entertainment Corp. v. MP3.Com*, Central District of California, Case No. 00-11868. PSW attorneys served as defense counsel in this class action alleging copyright infringement.

- *Vallier v. Jet Propulsion Laboratory*, Central District of California, Case No. CV97-1171. PSW attorneys served as lead counsel in this toxic tort action involving 50 cancer victims and their families.

- *Nguyen v. First USA N.A.*, Los Angeles County Superior Court, Case No. BC222846. PSW attorneys served as class counsel on behalf of approximately four million First USA credit card holders whose information was sold to third party vendors without their consent. This case ultimately settled for an extremely valuable permanent injunction plus disgorgement of profits to worthy charities.

- *Morales v. Associates First Financial Capital Corporation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4197. PSW attorneys served as class counsel in this case arising from the wrongful sale of credit insurance in connection with personal and real estate-secured loans. This case resulted in an extraordinary $240 million recovery for the Class.

- *In re AEFA Overtime Cases*, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4321. PSW attorneys served as class counsel in this overtime class action on behalf of American Express Financial Advisors, which resulted in an outstanding class-wide settlement.

- *Khan v. Denny's Holdings, Inc.*, Los Angeles County Superior Court, Case No. BC177254. PSW attorneys settled a class action lawsuit against Denny's for non-payment of overtime wages to its managers and general managers.

- *Kosnik v. Carrows Restaurants, Inc.*, Los Angeles County Superior Court, Case No. BC219809. PSW attorneys settled a class action lawsuit against Carrows Restaurants for non-payment of overtime wages to its assistant managers and managers.

- *Castillo v. Pizza Hut, Inc.*, Los Angeles County Superior Court, Case No. BC318765. PSW attorneys served as lead class counsel in this California class action brought by delivery drivers who claimed they were not adequately compensated for use of their personally owned vehicles. This case resulted in a statewide class settlement.

- *Baker v. Charles Schwab & Co., Inc.*, Los Angeles County Superior Court, Case No. BC286131. PSW attorneys served as class counsel for investors who were charged a fee for transferring out assets between June 1, 2002 and May 31, 2003. This case resulted in a nationwide class settlement.

- *Eallonardo v. Metro-Goldwyn-Mayer, Inc.*, Los Angeles County Superior Court, Case No. BC286950. PSW attorneys served as class counsel on behalf a nationwide class of consumers who purchased DVDs manufactured by defendants. Plaintiffs alleged that defendants engaged in false and misleading advertising relating to the sale of its DVDs. This case resulted in a nationwide class settlement.

- *Gaeta v. Centinela Feed, Inc.*, Los Angeles County Superior Court, Case No. BC342524. PSW attorneys served as defense counsel in this class action involving alleged failures to pay wages, overtime, employee expenses, waiting time penalties, and failure to provide meal and rest periods and to furnish timely and accurate wage statements.

- *Leiber v. Consumer Empowerment Bv A/K/A Fasttrack,* Central District of California, Case No. CV 01-09923. PSW attorneys served as defense counsel in this class action involving copyrighted music that was made available through a computer file sharing service without the publishers' permission.

- *Higgs v. SUSA California, Inc.,* Los Angeles County Superior Court Case No. BC372745. PSW attorneys are serving as co-lead class counsel representing California consumers who entered into rental agreements for the use of self-storage facilities owned by defendants. In this certified class action, plaintiffs allege that defendants wrongfully denied access to the self-storage facility and/or charged excessive pre-foreclosure fees.

- *Fournier v. Lockheed Litigation*, Los Angeles County Superior Court. PSW attorneys served as counsel for 1,350 residents living at or near the Skunks-Works Facility in Burbank. The case resolved with a substantial confidential settlement for plaintiffs.

- *Nasseri v. CytoSport, Inc.,* Los Angeles County Superior Court, Case No. 439181. PSW attorneys served as class counsel on behalf of a nationwide class of consumers who purchased CytoSport's popular protein powders, ready to drink protein beverages, and

other "supplement" products. Plaintiffs alleged that these supplements contain excessive amounts of lead, cadmium and arsenic in amounts that exceed Proposition 65 and negate CytoSport's health claims regarding the products. The case resulted in a nationwide class action settlement which provided monetary relief to the class members and required the reformulation of CytoSport supplement products.

- *In re Samsung Top-Load Washing Machine Marketing, Sales Practice and Products Liability Litigation*, Western District of Oklahoma, Case No. 5:17-ml-02792-D. Plaintiffs allege that the top-load washing machines contain defects that cause them to leak and explode. PSW Partner Melissa S. Weiner was appointed to the Plaintiffs' Steering Committee in this multi-district class action.

ATTORNEY PROFILES

FOUNDING PARTNERS

CLIFFORD H. PEARSON

Clifford H. Pearson is a civil litigator, business lawyer and mediator focusing on complex litigation, class actions, and business law. In 2013, 2016 and 2021 Mr. Pearson was named by the *Daily Journal* as one of the Top 100 lawyers in California. Additionally, Mr. Pearson was named as one of the Daily Journal's 2019 Top Plaintiff Lawyers. He was instrumental in negotiating a landmark settlement totaling $1.86 billion in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market. Mr. Pearson also negotiated $473 million in combined settlements in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, an antitrust case in the Northern District of California that alleged a decade-long conspiracy to fix the prices of TFT-LCD panels and over $90 million in *In re Potash Antitrust Litigation*, an antitrust case in the Northern District of Illinois that alleged price fixing by Russian, Belarusian and North American producers of potash, a main ingredient used in fertilizer. Mr. Pearson currently serves as co-lead counsel in both the *In re Broiler Chicken Antitrust Litigation* and *In re Pork Antitrust Litigation* antitrust class action cases alleging price fixing in the broiler and pork industries.

Before creating the firm in 2006, Mr. Pearson was a partner at one of the largest firms in the San Fernando Valley, where he worked for 22 years. There, he represented aggrieved individuals, investors and employees in a wide variety of contexts, including toxic torts, consumer protection and wage and hour cases. Over his 38-plus year career, Mr. Pearson has successfully negotiated substantial settlements on behalf of consumers, small businesses and companies. In recognition of his outstanding work on behalf of clients, Mr. Pearson has been regularly selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California). He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Pearson is an active member of the American Bar Association, Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, and Association of Business Trial Lawyers.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *City of Oakland v. The Oakland Raiders, et al.* (Los Angeles County Superior Court)

Education:

- Whittier Law School, Los Angeles, California – J.D. – 1981

- University of Miami, Miami, Florida – M.B.A. – 1978
- Carleton University, Ontario, Canada – B.A. – 1976

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

BRUCE L. SIMON

Bruce L. Simon is a partner emeritus at Pearson, Simon & Warshaw, LLP and has lead the firm to national prominence. Mr. Simon specializes in complex cases involving antitrust, consumer fraud and securities. He has served as lead counsel in many business cases with national and global impact.

In 2019, Mr. Simon was named as one of the Daily Journal's Top Plaintiff Lawyers. In 2018, Mr. Simon was awarded "Antitrust Lawyer of the Year" by the California Lawyers Association. In 2013 and 2016, Mr. Simon was chosen by the *Daily Journal* as one of the Top 100 attorneys in California. In 2013, he received the California Lawyer of the Year award from *California Lawyer Magazine* and was selected as one of seven finalists for Consumer Attorney of the Year by Consumer Attorneys of California for his work in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). That year, Mr. Simon was included in the Top 100 of California's "Super Lawyers" and has been named a "Super Lawyer" every year since 2003. He has attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Simon was co-lead class counsel in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, a case that lasted over five years and resulted in $473 million recovered for the direct purchaser plaintiffs. Mr. Simon served as co-lead trial counsel and was instrumental in obtaining an $87 million jury verdict (before trebling). He presented the opening argument and marshalled numerous witnesses during the six-week trial.

Also, Mr. Simon was co-lead class counsel in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default

swaps market as a means of maintaining supracompetitive prices of bid/ask spreads. After three years of litigation and many months of intensive settlement negotiations, the parties in *CDS* reached a landmark settlement amounting to $1.86 billion. It is one of the largest civil antitrust settlements in history.

Mr. Simon was also co-lead class counsel in *In re Potash Antitrust Litigation (II)*, MDL No. 1996 (N.D. Ill.), where he successfully argued an appeal of the district court's order denying the defendants' motions to dismiss to the United States Court of Appeals for the Seventh Circuit. Mr. Simon presented oral argument during an *en banc* hearing before the Court and achieved a unanimous 8-0 decision in his favor. The case resulted in $90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antirust conspiracies.

More recently, Mr. Simon completed the trial seeking injunctive relief in the *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation.* The plaintiffs allege that the NCAA and its member conferences violate the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players can receive.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

Reported Cases:

- *Minn-Chem, Inc. et al. v. Agrium Inc., et al.*, 683 F.3d 845 (7th Cir. 2012)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, 594 U.S. ___ (2021).

Education:

- University of California, Hastings College of the Law, San Francisco, California – J.D. – 1980
- University of California, Berkeley, California – A.B. – 1977

Bar Admissions:

- California
- Supreme Court of the United States
- Ninth Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California

- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Recent Publications:

- Class Certification Procedure, Ch. V, ABA Antitrust Class Actions Handbook (3d ed.), (forthcoming)
- Reverse Engineering Your Antitrust Case: Plan for Trial Even Before You File Your Case, Antitrust, Vol. 28, No. 2, Spring 2014
- *The Ownership/Control Exception to Illinois Brick in Hi-Tech Component Cases: A Rule That Recognizes the Realities of Corporate Price Fixing*, ABA International Cartel Workshop February 2014
- *Matthew Bender Practice Guide: California Unfair Competition and Business Torts*, LexisNexis, with Justice Conrad L. Rushing and Judge Elia Weinbach (Updated 2013)
- *The Questionable Use of Rule 11 Motions to Limit Discovery and Eliminate Allegations in Civil Antitrust Complaints in the United States*, ABA International Cartel Workshop February 2012

Professional Associations and Memberships:

- California State Bar Antitrust and Unfair Competition Section, Advisor and Past Chair
- ABA Global Private Litigation Committee, Co-Chair
- ABA International Cartel Workshop, Steering Committee
- American Association for Justice, Business Torts Section, Past Chair
- Business Torts Section of the American Trial Lawyers Association, Past Chair
- Hastings College of the Law, Board of Directors (2003-2015), Past Chair (2009-2011)

DANIEL L. WARSHAW

Daniel L. Warshaw is a civil litigator and trial lawyer who focuses on complex litigation, class actions, and consumer protection. Mr. Warshaw has held leadership roles in numerous state, federal and multidistrict class actions, and obtained significant recoveries for class members in many cases. These cases have included, among other things, antitrust violations, high-technology products, automotive parts, entertainment royalties, intellectual property and false and misleading advertising. Mr. Warshaw has also represented employees in a variety of class actions, including wage and hour, misclassification and other Labor Code violations.

Mr. Warshaw played an integral role in several of the firm's groundbreaking cases. In the *In re TFT-LCD (Flat Panel) Antitrust Litigation*, he assisted in leading this multidistrict to trial and securing $473 million in recoveries to the direct purchaser plaintiff class. After the firm was appointed as interim co-lead counsel in *In re Credit Default Swaps Antitrust Litigation*, Mr. Warshaw along with his partners and co-counsel successfully secured a $1.86 *billion* settlement on behalf of the class.

Currently he serves in a lead or co-lead position in the following cases: *Vakilzadeh v. The Trustees of The California State University*, Los Angeles County Superior Court, Case No. 20STCV23134, a putative class action alleging the students were not refunded for tuition and fees when the California Statue University System closed its campuses and provided remote learning in lieu of in person education; *Grace v. Apple, Inc.*, 5:17-CV-00551-YGR (N.D. Cal.), a certified class action on behalf of consumers who allege that Apple intentionally broke its "FaceTime" video conferencing feature for iPhones with older operating systems that recently settled for $18 million on behalf of a California class; *In re KIND LLC "Healthy and All Natural" Litigation*, MDL No. 2645, (S.D.N.Y.), a multistate certified class action on behalf of consumers who allege that they purchased KIND snack bars that were falsely advertised as "all natural," and/or "non-GMO"; *Seene v. The Office of the Commissioner of Baseball*, 3:14-cv-00608-JCS (N.D. Cal.), a certified multistate class action alleging that Major League Baseball and its teams violate state and federal wage and hour laws relating to minor league players.

Mr. Warshaw's cases have received significant attention in the press, and Mr. Warshaw has been profiled by the *Daily Journal* for his work in the digital download music cases. In 2019 and 2020, Mr. Warshaw was named as one of the Daily Journal's Top Plaintiff Lawyers. And in 2020 he was also named one of the Daily Journal's Top Antitrust Lawyers. Additionally, Mr. Warshaw has been selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California) every year since 2005. He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Warshaw has assisted in the preparation of two Rutter Group practice guides: *Federal Civil Trials & Evidence* and *Civil Claims and Defenses*. Mr. Warshaw is the founder and Chair of the Class Action Roundtable. The purpose of the Roundtable is to facilitate a high-level exchange of ideas and in-depth dialogue on class action litigation.

Current Cases:

- *Vakilzadeh v. The Trustees of The California State University*, (Cal. Super. Ct.)
- *Grace v. Apple, Inc.* (N.D. Cal.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)
- *In re KIND LLC "Healthy and All Natural" Litigation* (S.D.N.Y.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re. Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D. N.M.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)

Education:

- Whittier Law School, Los Angeles, California – J.D. – 1996
- University of Southern California – B.S. – 1992

Bar Admissions:

- California
- Ninth Circuit Court of Appeals

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Western District of Texas

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers, Board Member
- Consumer Attorneys of California
- Los Angeles County Bar Association, Complex Court Committee, Member
- Plaintiffs' Class Action Roundtable, Chair

PARTNERS

BOBBY POUYA

Bobby Pouya is a partner in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pouya has been an attorney with Pearson, Simon & Warshaw, LLP since 2007, and has extensive experience in representing clients in a variety of contexts. He has served as a primary member of the litigation team in multiple cases that resulted in class certification or a class-wide settlement, including cases that involved high-technology products, price fixing, consumer safety and false and misleading advertising. The cases that Mr. Pouya has worked on have resulted in hundreds of millions of dollars in judgments and settlements on behalf of effected plaintiffs and class members.

Mr. Pouya has served as one of the attorneys representing direct purchaser plaintiffs in several complex antitrust cases, including *In re Polyurethane Foam Antitrust Litigation* (N.D. Ohio) and *In re* Fresh *and Processed Potatoes Antitrust Litigation* (D. Idaho). Mr. Pouya is currently actively involved in the prosecution of *In re Broiler Chicken Antitrust Litigation* (N.D. Ill), *In re Pork Antitrust Litigation* (D. Minn.), *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.), as well as several prominent consumer class action lawsuits.

Mr. Pouya's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) every year since 2008. Mr. Pouya earned his Juris Doctorate from Pepperdine University School of Law in 2006, where he received a certificate in dispute resolution from the prestigious Straus Institute for Dispute Resolution and participated on the interschool trial and mediation advocacy teams, the Dispute Resolution Law Journal and the Moot Court Board.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)
- *In re Pork Antitrust Litigation* (D. Minn.)

- *In re Cattle Antitrust Litigation* (D. Minn.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)

Education:

- Pepperdine University School of Law, Malibu, California – J.D. – 2006
- University of California, Santa Barbara, California – B.A., with honors – 2003

Publications:

- *Should Offers Moot Claims?*, Daily Journal, Oct. 10, 2014
- *Central District Local Rules Hinder Class Certification*, Daily Journal, April 9, 2013

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

Professional Associations and Memberships:

- California State Bar Antitrust and Unfair Competition Section, Advisor and Past Chair
- ABA Global Private Litigation Committee, Co-Chair
- ABA International Cartel Workshop, Steering Committee
- American Association for Justice, Business Torts Section, Past Chair
- Business Torts Section of the American Trial Lawyers Association, Past Chair
- Hastings College of the Law, Board of Directors (2003-2015), Past Chair (2009-2011)

MELISSA S. WEINER

Melissa S. Weiner is a partner and civil litigator whose work is squarely focused on combating consumer deception. Her experience is expansive, including class actions related to consumer protection, product defect, intellectual property, automotive, false advertising and the Fair Credit Reporting Act. Ms. Weiner has taken a leadership role in numerous large class actions and MDLs in cases across the country.

A contributor to her professional community, Ms. Weiner serves on the Executive Board for Public Justice as the Co-Vice Chair of the Development Committee, former co-chair of the Mass Tort and Class Action Practice Group for the Minnesota Chapter of the Federal Bar Association and serves on the Minnesota Bar Association Food & Drug Law Council. In recognition of her outstanding efforts in the legal community, each year since 2012, Ms. Weiner has been named a Super Lawyers *Rising Star* by Minnesota Law & Politics.

Ms. Weiner has been appointed to leadership positions in the following MDLs and consolidated cases:

- *In Re: Luxottica of America, Inc. Data Security Breach Litigation* (S.D. Ohio) (Appointed Interim Executive Committee Member);
- *Culbertson v. Deloitte Consulting LLP* (S.D.N.Y.) (Appointed to Plaintiffs' Executive Committee), a nationwide data breach class action
- *In Re: Fairlife Milk Products Marketing and Sales Practices Litigation* (N.D. Ill.) (Appointed Interim Co-Lead Counsel);
- *In Re: Deva Concepts Products Liability Litigation* (S.D.N.Y.) (Appointed Interim Co-Lead Counsel);
- *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation* (D.N.M.) (chair of the Plaintiffs' Steering Committee and member of the Plaintiffs' Oversight Committee);
- *In Re Samsung Top-Load Washing Machine Marketing, Sales Practices & Product Liability Litigation* (W.D. Okla.), (appointed to Plaintiffs' Executive Committee), a nationwide class action regarding a design defect in 2.8 million top loading washing machines, which resulted in a nationwide settlement;
- *In Re Windsor Wood Clad Window Product Liability Litigation* (E.D. Wis.), a nationwide class action regarding allegedly defective windows, which resulted in a nationwide settlement.
- *In Re: Blackbaud, Inc. Customer Data Security Breach Litigation* (D.S.C.), nationwide data breach class action, (appointed to Plaintiffs' Steering Committee).

Current Cases:

- *Aguilera v. NuWave, LLC* (N.D. Ill.) (product defect and false advertising)
- *Anurag Gupta v. Aeries Software, Inc.* (C.D. CA) (data breach)
- *Ashour v. Arizona Beverages USA LLC et al.* (S.D. NY) (false advertising/mislabeling)
- *Benson et al v. Newell Brands Inc., et al.* (N.D. IL) (false advertising/mislabeling)
- *Connor Burns v. Mammoth Media, Inc.* (C.D. CA) (data breach)
- *Culbertson v. Deloitte Consulting LLP* (S.D.N.Y.) (data breach)
- *Daniels v. Delta Air Lines, Inc.* (N.D. Ga.). (COVID-19 pandemic relief)
- *In Re: Deva Concepts Products Liability Litigation* (S.D.N.Y.) (false advertising/mislabeling)
- *In Re Fairlife Milk Products Marketing and Sales Practices Litigation* (N.D. IL) (false advertising)

- *Ford v. [24]7.AI, Inc.* (N.D. Cal.) (data breach)
- *In Re Pork Antitrust Litigation* (D. Minn.)
- *In Re Samsung Top-Load Washing Machine Marketing, Sales Practices, and Products Liability Litigation* (W.D. Okla.)
- *In Re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D. N.M.) (false advertising/mislabeling)
- *Wedra v. Cree, Inc.* (S.D.N.Y)

Education:

- William Mitchell College of Law - J.D. – 2007
- University of Michigan – Ann Arbor - B.A. – 2004

Bar Admissions:

- New York
- Minnesota
- Ninth Circuit Court of Appeals
- U.S. District Court, District of Minnesota
- U.S. District Court, Colorado
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York

Professional Associations and Memberships:

- Minnesota State Bar Association
- Federal Bar Association
- Public Justice

MICHAEL H. PEARSON

Michael H. Pearson is a Partner and civil litigator in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pearson has extensive experience in representing clients in a variety of contexts. He has served as a member of the litigation team in multiple cases that resulted in class certification or a class-wide settlement, including cases that involved antitrust, business litigation, complex financial products, high-technology products, consumer safety, and false and misleading advertising. Specifically, he was instrumental in managing the review of tens of millions of documents and drafting pleadings in *In Re Credit Default Swaps Antitrust Litigation*, which was settled for $1.86 billion, plus injunctive relief.

Mr. Pearson received his Bachelor of Science degree from Tulane University in 2008, majoring in Finance with an Energy Specialization. He received his Juris Doctorate from Loyola Law School Los Angeles in 2011. Mr. Pearson is an active member in a number of legal organizations, including the American, Los Angeles County and San Fernando Valley Bar

Associations, Consumer Attorneys of California, the Consumer Attorneys Association of Los Angeles and the Association of Business Trial Lawyers.

Mr. Pearson's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) in 2017, 2018, 2019, and 2020.

Current Cases:

- *City of Oakland v. The Oakland Raiders, et al.* (N.D. Cal.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)

Education:

- Loyola Law School Los Angeles, Los Angeles, California – J.D. – 2011
- Tulane University, New Orleans, Louisiana – B.S., *magna cum laude* – 2008

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association
- San Fernando Valley Bar Association

BENJAMIN E. SHIFTAN

Benjamin E. Shiftan is a Partner and litigator in the firm's San Francisco office. Since joining the firm in 2014, Mr. Shiftan has focused on complex class action litigation, including antitrust, product defect, and consumer protection cases.

Prior to joining the firm, Mr. Shiftan litigated complex bad faith insurance cases for a national law firm. Before that, Mr. Shiftan served as a law clerk to the Honorable Peter G. Sheridan, United States District Court for the District of New Jersey, and worked for a mid-sized firm in San Diego.

Mr. Shiftan graduated from the University of San Diego School of Law in 2009. While in law school, he served as Lead Articles Editor of the San Diego International Law Journal and competed as a National Team Member on the Moot Court Board. Mr. Shiftan won the school's Paul A. McLennon, Sr. Honors Moot Court Competition. At graduation, he was one of ten students inducted into the Order of the Barristers. Mr. Shiftan graduated from the University of Virginia in 2006.

Current Cases:

- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

Education:

- University of San Diego School of Law, San Diego, CA – J.D. – 2009
- University of Virginia, Charlottesville, VA – B.A. – 2006

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- San Francisco County Bar Association

TRIAL COUNSEL

THOMAS J. NOLAN

Thomas J. Nolan is Trial Counsel (Of Counsel) in the Sherman Oaks office of Pearson, Simon & Warshaw, LLP.

Mr. Nolan is widely recognized as one of the nation's leading trial attorneys, and has extensive civil and criminal trial experience representing corporations and individuals in complex litigation in state and federal courts.

Mr. Nolan is a former federal prosecutor and served as Chief of Fraud and Special Prosecutions in the Los Angeles United States Attorney's Office. He has been a member of the defense bar since 1979.

Mr. Nolan has represented both corporate plaintiffs and defendants across a wide range of complex civil litigation matters including class actions; a wide variety of contract disputes, including a three-month jury trial against 63 insurance carriers; unfair business practices and consumer fraud; as well as antitrust and intellectual property issues. Mr. Nolan is also recognized as a leading lawyer for "first of their kind" trials. His diverse experience was cited by media reports on his arrival at Latham, such as this Bloomberg-BNA Law article.

Mr. Nolan has represented corporations and individuals in criminal DOJ prosecutions and SEC enforcement matters and in internal investigations involving FCPA allegations, securities fraud, money laundering, RICO, healthcare fraud, and insider trading violations.

He leverages extensive trial experience including winning jury verdicts of more than $1 billion for his clients and defeating claims exceeding $15 billion asserted against clients.

Notable Cases:

- Lead trial counsel for CashCall in defeating more than $275 million in restitution and monetary claims sought by the CFPB.
- Served as lead trial counsel representing UBS Real Estate Securities Inc. in a closely watched three-week bench trial conducted in the US District Court, Southern District of New York.*
- Served as lead trial counsel representing the home mortgage division of a major bank against class action claims of racial discrimination in mortgage lending*
- Defended Peter Morton in securing a unanimous jury verdict awarding zero damages in a case alleging fraud, breach of fiduciary duty and invasion of privacy*
- Represented the founders of Skype Technologies S.A., with a consortium of private equity and venture capital firms led by Silver Lake, in the $2.8 billion acquisition of Skype from eBay Inc.*
- Represented Tyco International Ltd. in a litigation in the US District Court for the Southern District of New York brought by holders of $2.7 billion of notes issued by Tyco.*

- Served as lead trial counsel representing the consortium of underwriters of WorldCom Securities in securing a settlement on the eve of jury selection in one of the largest securities class action cases in history.*
- Represented Litton Industries in a high-profile monopoly antitrust lawsuit against Honeywell, Inc. in the US District Court for the Central District of California.*

**Represents experience from previous law firms.*

Accolades:
Mr. Nolan has served in numerous honorary positions and received numerous accolades over his extensive career, including:

- American College of Trial Lawyers – Fellow
- International Academy of Trial Lawyers – Fellow
- Loyola Marymount University – Board of Regents
- Loyola University School of Law at Los Angeles – Board of Directors
- Loyola University School of Law at Los Angeles – Champion of Justice Award
- Beverly Hills Bar Association – Excellence in Advocacy Award
- Association of Business Trial Lawyers – frequent lecturer
- Federal Bar Association – frequent lecturer
- California Bar Association – *Pro Bono* Lawyer of the Year
- *The Am Law Litigation Daily* – Litigator of the Week

Mr. Nolan has been selected for inclusion in *Chambers Global: The World's Leading Lawyers for Business*, and he is one of only 23 attorneys listed in the top tier of national trial attorneys by *Chambers USA: America's Leading Lawyers for Business*, which also ranks him in its top tier for general commercial litigation. In addition, Mr. Nolan has been profiled for 12 different years as one of the Top 100 most influential lawyers in California and as one of the Top 30 Securities Litigators in California by the *Daily Journal*. He was named Best Lawyers' 2015 Los Angeles Bet-the-Company Litigation Lawyer of the Year.

Education:
- Loyola Law School – Los Angeles, California – J.D. – 1975
- Loyola Marymount University – Los Angeles, California – B.B.A. – 971

Bar Admissions:
- California
- Supreme Court of the United States
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Southern District of New York

OF COUNSEL

NEIL SWARTZBERG

Neil Swartzberg, Of Counsel to Pearson, Simon & Warshaw, LLP, has significant litigation and counseling experience, with a track record of providing advice and representation to individuals and companies on a variety of technology, consumer and finance related matters. He has expertise in complex and commercial litigation, including in the intellectual property, consumer protection, antitrust, securities and class action context. Practicing in both federal and state courts, he has litigated price-fixing class actions, securities fraud suits and other consumer protection cases, as well as patent infringement, trade secret misappropriation and related intellectual property matters. Mr. Swartzberg also has experience negotiating licenses and similar agreements to resolve disputes in technology areas such the Internet, online banking, and telecommunications.

Mr. Swartzberg was a leading attorney in the Direct Purchaser Plaintiff class action *In re Static Random Access Memory (SRAM) Antitrust Litigation* (N.D. Cal.). He was also actively involved in several other antitrust class actions, such as *In re International Air Transportation Surcharge Antitrust Litigation* (N.D. Cal.), *Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), *In re Cathode Ray Tube (CRT) Antitrust Litigation* (N.D. Cal.), and *In re Optical Disk Drive (ODD) Antitrust Litigation* (N.D. Cal.). He has represented patent owners and companies in infringement cases for patents covering video game controllers, Internet search functionality, secure mobile banking transactions, and telecommunications switches.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re: Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D.N.M.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

Education:

- University of California, Davis, School of Law, Davis, California – J.D. – 2001
- State University of New York, Buffalo, Buffalo, New York – M.A. – 1994
- Duke University, Durham, North Carolina – A.B. – 1991

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- Federal Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Eastern District of Missouri

- U.S. District Court, Western District of Pennsylvania

Publications and Presentations:

- *American Bar Association, Section of Antitrust Law, 2020 Spring Conference,* Presentation, Judge Jon S. Tigar: *In re Cathode Ray Tube (CRT) Antitrust Litig.*
- *American Bar Association, Section of Antitrust Law, 2019 Spring Conference,* Presentation, Bruce Simon: *Challenges & Recent Developments in Class Certification: From the Plaintiffs' Perspective* (with Eric Mont)
- *The Hard Cell, Mobile banking and the Federal Circuit's "divided infringement" decisions,* Feb. 2013, Intellectual Property magazine, with Robert D. Becker.

Professional Associations and Memberships:

- American Bar Association

Languages:

- German (proficient)

ASSOCIATES

NAVEED ABAIE

Naveed Abaie is an associate in the firm's Los Angeles office focusing on consumer protection, antitrust, and business litigation.

He graduated from the University of San Diego, School of Law in 2017. While at the University of San Diego, Mr. Abaie earned his J.D. with a concentration in Business and Corporate Law. Mr. Abaie received his Bachelor's degree from the University of California, Berkeley Haas School of Business in 2012.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)
- *In re Pork Antitrust Litigation* (D. Minn.)

Education:

- University of San Diego, California – J.D. – 2017
- University of California, Berkeley, California – B.A.– 2012

Bar Admissions:

- California

Professional Associations and Memberships:

- Iranian American Bar Association

MATTHEW A. PEARSON

Matthew A. Pearson is an associate in the firm's Los Angeles office focusing on antitrust, consumer protection, copyright, and business litigation. Mr. Pearson has represented clients in a variety of different matters and works closely with clients, co-counsel, and opposing counsel on all aspects of litigation.

In 2019, Mr. Pearson received the award for Outstanding Antitrust Litigation Achievement in Private Law Practice by the American Antitrust Institute for his work in the *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.) trial, which took place in September of 2018 and resulted in a verdict in Plaintiffs' favor. Additionally, in 2019, Mr. Pearson was selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California).

Mr. Pearson received his Bachelor of Science degree from the University of Arizona in 2010, majoring in Business Management. He received his Juris Doctorate from Whittier Law School in 2013. Mr. Pearson is an active member in a number of legal organizations, including the American Bar Association, American Association for Justice, Association of Business Trial Lawyers, Consumer Attorneys Association of Los Angeles, Consumer Attorneys of California, and the Los Angeles County Bar Association.

Current Cases:

- *In re Pork Antitrust Litigation* (D. Minn.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)
- *In re KIND LLC "Healthy and All Natural" Litigation* (S.D.N.Y.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *North* American *Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)
- *In Re Cattle Antitrust Litigation* (D. Minn.)

Education:

- Whittier Law School, California – J.D. – 2013
- University of Arizona: Eller College of Management – B.S.– 2010

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- *U.S. District* Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- American Association for Justice
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- *Los Angeles* County Bar Association

BRIAN S. PAFUNDI

Brian S. Pafundi is an associate in the firm's Minneapolis office focusing on antitrust and consumer class actions.

Mr. Pafundi graduated from University of Florida Levin College of Law in 2010. After law school he worked as an Assistant Public Defender for the State of Minnesota where he handled a full and diverse caseload including felony trials.

Mr. Pafundi received his B.A. in Political Science in 2005 and a Master of Arts degree in Mass Communications in 2009, both from the University of Florida.

Current Case:

- *In re Pork Antitrust Litigation* (D. Minn.)

Education:

- University of Florida Levin College of Law – J.D. – 2010
- University of Florida College of Journalism and Communications – M.A. – 2009
- University of Florida College of Liberal Arts and Science – B.A. – 2005

Bar Admission:

- Minnesota

GREGORY N. ARENSON

Gregory N. Arenson is an associate in the firm's Minneapolis office focusing on class actions, consumer protection, and complex litigation.

Mr. Arenson has successfully shepherded cases from inception through trial. His background is in biomedical engineering and patent prosecution. Mr. Arenson was a judicial extern in the U.S. District Court for the District of Minnesota for the Honorable Judge Susan Richard Nelson, and was a member of the Intellectual Property Moot Court.

He is committed to serving the community. Mr. Arenson serves on the boards of the Minneapolis Jewish Federation and Jewish Community Relations Council: Minnesota & the Dakotas. He serves volunteered with the Steering Committees for the Twin Cities Cardozo Society and

Partnership2Gether Minneapolis Rehovot. He has volunteered with LegalCORPS, providing business and IP advice for entrepreneurs. Mr. Arenson is the recipient of the 2016 Arthur T. Pfefer Memorial Award for his commitment to serving the community and demonstrating outstanding leadership potential.

Current Cases:

- *Benson v. Newell Brands, Inc.* (N.D. Ill.)
- *Burchfield v. Prestige Consumer Healthcare, Inc.* (C.D. Cal.)
- *Burns v. Mammoth Media, Inc.* (C.D. Cal.)
- *Burton v. Geico Casualty Company* (E.D. Mo.)
- *Culbertson v. Deloitte Consulting LLP* (S.D.N.Y.)
- *Freeman v. MAM USA Corp.* (N.D. Ill.)
- *In re Gerber Products Co. Heavy Metals Baby Food Litigation* (E.D.Va.).
- *In re NEC Networks, LLC d/b/a CaptureRx Customer Data Security Breach Litigation* (J.P.M.L.)
- *In re Nurture Baby Food Litigation* (S.D.N.Y.)
- *Palmieri v. Intervet Inc.* (D.N.J.)

Education:

- University of Minnesota Law School – J.D. – 2016
- University of Minnesota – B.Bm.E. Biomedical Engineering – 2013

Bar Admission:

- Minnesota
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Northern District of Illinois
- U.S. Patent & Trademark Office
- U.S. Tax Court

ALEXANDER P. WINDING

Alexander Winding is an associate in the firm's San Francisco office focusing on consumer protection, antitrust, and business litigation.

Mr. Winding received his Bachelor of Arts degree from the University of California, Berkeley in 2015, majoring in the Japanese language and graduating with honors. He received his Juris Doctorate from the University of California, Hastings College of Law in 2020.

Current Case:

- *In re Pork Antitrust Litigation* (D. Minn.)

Education:

- University of California, Hastings College of Law – J.D. – 2020

- University of California, Berkeley, California – B.A.– 2015

Bar Admission:
- California

KYLE R. COSTELLO

Kyle R. Costello is an associate in the firm's Minneapolis office focusing on class actions, consumer protection, and complex litigation.

Mr. Costello, born and raised in New Jersey and graduated from Rutgers Law in 2010. He then began a career in contracts management for large corporations. In 2018, Kyle moved to Minnesota to transition into litigation. There he clerked for The Honorable Assistant Chief Judge Sarah Hennesy of the Seventh Judicial District of Minnesota. Subsequently he advocated for indigent clients as a Public Defender in Olmsted County, Minnesota. Kyle brings a wealth of corporate knowledge and trial experience to Pearson, Simon & Warshaw, LLP.

Current Case:
- *In re Pork Antitrust Litigation* (D. Minn.)

Education:
- Rutgers *School* of Law, New Jersey – 2010
- Manhattan College – 2007

Bar Admission:
- Minnesota

ADRIAN J. BUONANOCE

Adrian J. Buonanoce is an associate in the firm's Los Angeles office, focusing on antitrust litigation.

Mr. Buonanoce received a Bachelor's degree in Political Economy from the University of California, Berkeley in 2012. He earned his Juris Doctorate from the University of San Diego School of Law with a concentration in International Law in 2018.

Current Case:
- *In re Pork Antitrust Litigation* (D. Minn.)

Education:
- University of San Diego, California – J.D. – 2018
- University of California, Berkeley, California – B.A.– 2012

Bar Admissions:
- California

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF MARC E. DANN IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Marc E. Dann, hereby declare and state as follows:

1. I have personal knowledge of the facts stated in this Declaration and, if called to testify, I could and would testify to the matters stated herein.[1]

2. DannLaw was appointed one of the Settlement Class Counsel in this Action. (Order Granting Preliminary Approval, ECF 137 at 3.) I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

3. DannLaw has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current and former attorneys from DannLaw, in addition to myself, who have worked on this Litigation are Brian D. Flick,., Michael Smith, Javier Merino and Emily White.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On May 21, 2020, Plaintiffs Daniel Bozin, Timothy Smith, and Alexandria Polichena, represented by DannLaw and others, filed a Class Action Complaint against Deloitte in Ohio alleging negligence, on the basis that Deloitte had allegedly failed to protect their Personal Identifying Information ("PII"). (Case No. CV 20 932778.) On May 28, 2020, Plaintiffs Daniel Bozin, Timothy Smith, Alexandria Polichena, Bernadette Nolen, and Nicole Hornbeck, represented by DannLaw and others, filed an Amended Class Action Complaint against Deloitte in Ohio alleging negligence and invasion of privacy, and seeking injunctive relief, on the basis that Deloitte had allegedly failed to protect their PII. (Case No. CV 20 932778.) Deloitte removed that case to federal court, and the case was transferred to this Court on June 26, 2020 (Case No. 20 cv 5070.) A Statement of Relatedness to the *Culbertson* matter was filed, and on July 2, 2020, the Court consolidated the *Bozin* and *Culbertson* cases (ECF 24 in the *Bozin* case.)

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with

one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, as a member of the Plaintiff Vetting and Plaintiff Discovery Committee, DannLaw has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) drafting of the complaints; (3) conducting discovery regarding the Plaintiffs in all of the consolidated cases; (4) vetting Plaintiffs to be named in the First Amended Consolidated Complaint; (5) legal research; (6) drafting of motions and briefs: (7) participating in case strategy conferences and decisions; (8) documenting the settlement agreement and the settlement approval documents. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research and attention to detail.

8. Additionally, DannLaw participated in regular calls with Class Counsel. During these calls, various aspects of this Action were discussed.

II. DANNLAW'S LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by DannLaw for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, DannLaw has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, filing of the initial Complaint, discovery, settlement discussions, motions for settlement approval.

10. Before initiating any action, Class Counsel conducted a thorough investigation of the claims, both legal and factual. Specifically, DannLaw thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 16, 2021 for DannLaw's attorneys and paralegals:

Attorney	Total Hours	Hourly Rate	Amount
Marc E. Dann	28.55	$495.00	$14,132.25
	37.3	$475.00	$17,717.50
Totals for MED			$31,849.75
Brian D. Flick	13.55	$400.00	$5,420.00
	36.4	$395.00	$14,378.00
Totals for BDF:	49.95		$19,798.00
Javier L. Merino	1.1	$395.00	$434.50
Michael A. Smith, Jr.	5.5	$325.00	$1,787.50
	3.4	$300.00	$1,020.00
Totals for MAS	8.9		$2,807.50
Emily C. White	0.3	$395.00	$118.50
Paralegal	**Total Hours**	**Hourly Rate**	**Amount**
Kimberly White	3.2	$275.00	$880.00
Edward Juhn	31.6	$275.00	$8,690.00
Molly Forkins	3.7	$250.00	$925.00
Total:			**$65,503.25**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by DannLaw.

12. The attorneys of DannLaw billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, as follows:

a. I am an attorney with 30+ years of extensive experience representing consumers in class actions and unfair business practices litigation. I have particular expertise in handling consumer matters, my firm has prosecuted more than 1500 consumer matters and more than 50 class action matters since 2008 including those such as the present case, in which consumers have been subjected to systematic allegedly unfair and deceptive business practices. My prior hourly rates of $495/hr and my prior hourly rate of $475/hr, which are both lower than market rates, were accepted by courts for purposes of a lodestar determination or lodestar cross check in 2018 in *Miller v. Inteleos, Inc.*, N.D. Ohio Case No. 17 cv 763 (Dkt. #39), *Lieber v. Wells Fargo Bank, N.A.*, N.D. Ohio Case No. 16 cv 2868 (Dkt. #69).

b. Brian D. Flick, Esq.'s hourly rates of $395/hr and $350/hr, which are below market rates, have been accepted by courts for purposes of lodestar determinations or lodestar cross checks in over 300 Bankruptcy cases pending in the United States Bankruptcy Court for the Southern District of Ohio (*In re Seante Bullock*, SDOH Bankr. Case No. 18-13711 (Doc. 67); *In re Chelsea Drennan,* SDOH Bankr. Case No. 19-13916 (Doc. 70); *In re Laurie Beckett*, SDOH Bankr. Case No. 20-10600 (Doc. 87)). Attorney Flick's rates are consistent with those published in the *United States Consumer Law Attorney Fee Survey Report, 2017-2018* published by R.L. Burdge, Esq. (2019): https://burdgelaw.com/wp-content/uploads/2019/10/US-Consumer-Law-Attorney-Fee-Survey-Report-2017-2018.pdf which designates the average hourly rate of an attorney which 11-15 years of experience at $370/hr, the median rate for attorneys handling class action cases at $375/hr with a 95% median rate of $594/hr.

c. Javier L. Merino's hourly rate of $395.00/hr are consistent with those published in the *United States Consumer Law Attorney Fee Survey Report, 2017-2018* published by R.L. Burdge, Esq. (2019): https://burdgelaw.com/wp-content/uploads/2019/10/US-Consumer-Law-Attorney-Fee-Survey-Report-2017-2018.pdf which designates the average hourly rate of an attorney which 11-15 years of experience at $370/hr, the median rate for attorneys handling class action cases at $375/hr with a 95% median rate of $594/hr.

d. Emily C. White's hourly rate of $395.00/hr are consistent with those published in the *United States Consumer Law Attorney Fee Survey Report, 2017-2018* published by R.L. Burdge, Esq. (2019): https://burdgelaw.com/wp-content/uploads/2019/10/US-Consumer-Law-Attorney-Fee-Survey-Report-2017-2018.pdf which designates the average hourly rate of an attorney which 11-15 years of experience at $370/hr, the median rate for attorneys handling class action cases at $375/hr with a 95% median rate of $594/hr.

e. Michael Smith's hourly rates of $325/hr, $300/hr, and $250/hr were based on his various years of experience and are consistent with those published in the *United States Consumer Law Attorney Fee Survey Report, 2017-2018* published by R.L. Burdge, Esq. (2019): https://burdgelaw.com/wp-content/uploads/2019/10/US-Consumer-Law-Attorney-Fee-Survey-Report-2017-2018.pdf which designates the average hourly rate of an attorney which 1-3 years of experience at $244/hr, the median rate for attorneys handling class action cases at $375/hr with a 95% median rate of $594/hr.

f. The hourly rates for my paralegals (Kimberly White, Molly Forkins, Edward Juhn, Chelsea Lynn, Sarah Wilk and Mattie Williams) are consistent with those published in the *United States Consumer Law Attorney Fee Survey Report, 2017-2018* published

by R.L. Burdge, Esq. (2019):

https://burdgelaw.com/wp-content/uploads/2019/10/US-Consumer-Law-Attorney-Fee-Survey-Report-2017-2018.pdf,

13. During the course of this Action, DannLaw incurred $1,047.46 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of DannLaw and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Filing Fee for *Bozin* Action	$258.95
Court Costs related to *Bozin* Action	$120.00
Service of Process related to *Bozin* Action	$621.57
Postage related to *Bozin* Action	$25.94
Court Costs related to *Culbertson*	$200.00
Less Clerk Refund in *Bozin* Action	($179.00)
TOTAL	**$1,047.46**

14. Class Counsel must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. DANNLAW HAS A LENGTHY HISTORY REPRESENTING CONSUMERS

15. I am an attorney with 30+ years of extensive experience representing consumers in class actions and unfair business practices litigation. I have particular expertise in handling consumer matters, my firm has prosecuted more than 1000 consumer matters and more than 50 class action matters since 2008 including those such as the present case, in which consumers

have been subjected to systematic allegedly unfair and deceptive business practices. To demonstrate my qualifications to represent the proposed Settlement Class in this action and the basis for my recommendation that the Court grant final approval of the proposed class action settlement reached in this case, I will summarize my background and qualifications. I also refer the Court to the DLF Firm Resume, which is attached hereto as **Exhibit A**.

16. I received my A.B in History Degree from the University of Michigan in 1984. I earned my law degree from Case Western Reserve University School of Law in 1987.

17. I am a member in good standing with the Supreme Court of the State of Ohio. I am also admitted to practice in the United States Court of Appeals for the Sixth Circuit, the United States Court of Appeals for the 9th Circuit, the United States District Court for the Southern District of Ohio, the United States District Court for the Northern District of Ohio, the United States District Court for the Northern District of Illinois, the Northern District of Indiana, The Western District of Tennessee, the United States District Court of Colorado and the United States District Court of Nebraska. I have additionally appear *pro hac vice* in Cook County, Illinois, Washoe County Nevada, the United States District Court for the Southern District of Florida, the United States District Court for the Middle District of Florida, the United States District Court for the Northern District of Georgia, the United States District Court in Nevada, the United States District Court for the Western District of New York, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, the United States District Court for the District of New Jersey, the United States District Court for the Eastern District of Pennsylvania, the United States District Court for

the Western District of Washington, and the United States District Court for the Central District of California

18. I have been a litigator for over 34 years and I practice extensively and have obtained jury verdicts in criminal, corporate, commercial, consumer fraud, general civil, and other complex litigation. I represent both plaintiffs and defendants nationwide in state and federal trial and appellate courts.

19. I have been appointed as lead counsel in *Lieber, et al. v. Wells Fargo Bank, N.A.*, NDOH Case No. 1:16-cv-02868 and *Miller, et al. v. Intelelos, Inc.*, NDOH Case No. 1:17-cv-00763. I am currently acting as lead counsel in three additional matters: *George Kostis, et al. v. Select Portfolio Servicing*, United States District Court for the Northern District of Ohio Case No. 20-cv-02425, *Madyda v. Ohio Department of Public Safety*, Ohio Court of Claims Case No. 2019-00426JD and *Miles Black, et al. v. City of Girard, Ohio, et al*., Trumbull County Court of Common Pleas Case No. 2018 CV 1256. I have also represented over 1,500 defendants in foreclosure cases in Ohio.

20. In 2006, I was elected the 47th Attorney General of the State of Ohio and served in that position until May 15, 2008. As Attorney General I was the chief legal officer for the State of Ohio. In that Capacity I oversaw major securities fraud class action cases in which the state of Ohio was the Lead Plaintiff including against Fannie Mae, Freddie Mac, Merrill Lynch and others. I also oversaw multistate consumer litigation against companies such as Sherwin Williams, Purdue Pharmaceuticals, Moody's, Standard & Poor's and Fitch.

21. I have argued 5 cases before the Ohio Supreme Court and 4 cases before the Sixth Circuit Court of Appeals as well as dozens of state appellate court arguments.

IV. DANNLAW HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS

22. DannLaw has the experience, resources and ability to adequately represent the Settlement Class Members in this class action lawsuit.

23. DannLaw's firm resume reflects that the attorneys in this case have successfully adjudicated some of the largest and most important class action lawsuits in the United States and have obtained approximately three billion dollars in settlements and verdicts in a wide range of cases.

24. For example, in addition to the *Lieber, Miller, Koustis, Madyda* and *Black* class actions referenced above, I have served as class counsel or on the plaintiffs' executive committee in dozens of nationwide and statewide class actions, including but not limited to the following actions:

- *Improper Denial of Loss Mitigation* - Co-lead counsel in pending action against Mortgage Servicer who improperly denied loss mitigation options to homeowners as a result of software error. *Ethan Ryder, et al. v. Wells Fargo*, No. 19-0638 (S.D. Ohio)

- *Deceptive Debt Collection* — Co-lead counsel in pending action against debt collector who actively collected in violation of state consumer licensing statute. *Tynshia Jackson, et al. v, Velocity Investments, LLC*, No. 20-2524 (E.D. Pa.)

- *Consumer Data Breach* — Co-lead counsel in pending action against mortgage servicer for a data breach against a nationwide class of borrowers. *Desiree Schmitt, et al. v. SN Servicing Corporation*, No. 21-cv-3355 (C.D. Cal.)

- *Consumer Data Breach* - Co-lead counsel in pending class action against mortgage servicer for unauthorized sharing of third party information against a statewide class of borrowers. *Chad Mulkey, et al. v. RoundPoint Mortgage Servicing Corporation*, No. 21-1058 (N.D. Ohio)

- *Constitutional Takings Cases* - Co-lead counsel in companion class action cases against two counties in Ohio for improper Board of Revision tax foreclosures. *Alana Harrison, et al. v. Montgomery County, Ohio*, No. 19-0288 (S.D. Ohio); *Terrify Properties, LLC, et al. v. Cuyahoga County, Ohio*, No. 19-2293 (N.D. Ohio)

- *Deprivation of Federal Pandemic Unemployment Benefits* - Co-lead counsel in pending class action against Governor and Department of Job and Family Services for the unconstitutional deprivation of FPUC benefits. *Candy Bowling, et al. v. Mike Dewine, et al.*, Case No. 21 CV 004469 (Franklin County, Ohio).

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: November 23, 2021

/s/Marc E. Dann, Esq.
Marc E. Dann, Esq.

DannLaw

Since 2008, DannLaw has represented individuals and businesses in a wide array of legal matters. The attorneys of DannLaw are established and respected trial lawyers who represent clients in simple litigation, complex litigation, appellate litigation, and class action lawsuits. DannLaw has recovered millions of dollars on behalf of thousands of individuals and businesses across the country including the states of Ohio, Illinois, Oregon, Florida, Kentucky, New Jersey and Tennessee.

Marc E. Dann

Marc Dann is the Managing Partner of DannLaw. He is also a Partner of Advocate Attorneys LLP in Washington DC. These practices focus on representing clients who have been harmed by banks, debt buyers, debt collectors and other financial predators and providing access legal services for traditionally underserved working class and middle class Americans. Dann has fought for the rights of tens of thousands of consumers and brought class actions lawsuits on behalf of clients in both private practice and as Ohio's Attorney General.

As Ohio Attorney General, Marc Dann initiated securities fraud claims against the creators of mortgage- backed securities on behalf of Ohio's public pension funds. He assembled Ohio's Organized Crime Commission to mobilize Mortgage Fraud Task Forces in Ohio's major cities to prosecute those engaged in mortgage fraud and predatory lending, Dann's office challenged the standing of mortgage servicers to foreclose in cases where the State of Ohio was a party. Dann also worked with former Ohio Supreme Court Chief Justice Thomas Moyer to organize over 1,200 volunteer lawyers to represent homeowners in foreclosure.

After leaving the Attorney General's Office, Marc Dann began representing Ohio homeowners facing foreclosure pro bono. During this time, he recognized that the issues faced by individual homeowners represented patterns of practice throughout the mortgage servicing industry. In response, he mobilized a team and created DannLaw in order to fight for the rights of Ohioans.

Since DannLaw was founded, it has grown to represent clients facing a range of consumers' rights issues including in class action. While mortgage servicing litigation practice the foundation of DannLaw, Marc Dann has developed a comprehensive collection of tools designed to help clients stay in their homes including prosecuting more than 25 Class Action cases. . He is a recognized national leader in the use of federal mortgage servicing regulations to hold servicers accountable for their actions.

Utilizing these tools has led Marc Dann to host seminars explaining these techniques to other attorneys. These working groups help to elevate the defense of clients across the nation while

allowing attorneys to recognize patterns of practice that affect all citizens.

This collaborative spirit also applies to the communities of which DannLaw is a part.Marc Dann serves on the Lakewood Ohio Tree Advisory Committee. Marc Dann and DannLaw also support the Cleveland International Film Festival each year.

Dann prioritizes professional organizations as well, as a member of the American Bar Association, the Federal Bar Association, the Cleveland Metropolitan Bar Association, the National Association of Consumer Attorneys and the National Association of Consumer Bankruptcy Attorneys. He is a member of the Society of Attorneys General Emeritus, the Democratic Attorneys General Association and the Ohio Attorneys General Association.

Marc Dann is a regular contributor to *Attorney at Law Magazine* and the *Cleveland Metropolitan Bar Association* Magazine. His work has also been featured in *NACBA's Consumer Bankruptcy Journal* and *Legal Ink Magazine* and *Working Class Perspectives compiled by Georgetown University.*

Dann has been appointed as lead counsel in *Lieber, et al. v. Wells Fargo Bank, N.A.*, NDOH Case No. 1:16-cv-02868 and *Miller, et al. v. Intelelos, Inc.*, NDOH Case No. 1:17-cv-00763. Dann is currently acting as lead counsel in two additional matters: *Madyda v. Ohio Department of Public Safety*, Ohio Court of Claims Case No. 2019-00426JD and *Miles Black, et al. v. City of Girard, Ohio, et al*., Trumbull County Court of Common Pleas Case No. 2018 CV 1256. Dann has been appointed as Interim Lead Counsel in *Acker, et al. v. ProTech Solutions Inc.*, ED Ark. 4:20-cv-00852. In addition to the lead counsel appointments, Dann has been appointed as Liaison Counsel in *In re: Sonic Corp. Customer Data Security Breach*, NDOH 17-md-2807. Dann presently serves as Liaison Counsel for the Guardians of NAS Children in *In re: National Prescription Opiate Litigation*, NDOH 17-md-02804.

Dann is admitted to practice in the United States Court of Appeals for the Sixth Circuit, United States District Court for the Southern District of Ohio, United States District Court for the Northern District of Ohio, United States District Court for the Northern District of Illinois, The Northern District of Indiana, The Western District of Tennessee and the Ohio Supreme Court. He has pro hac vice admission in Cook County, Illinois, Washoe County Nevada, United States District Court for the Southern District of Florida, United States District Court for the Middle District of Florida, United States District Court for the Northern District of Georgia, United States District Court in Nevada, United States District Court for the Western District of New York, United States District Court for the Southern District of New York, United States District Court for the Eastern District of New York, United States District Court for the District of New Jersey, United States District Court for the Eastern District of Pennsylvania, United States

District Court for the Western District of Washington, and the United States District Court for the Central District of California

A native of Cleveland, Ohio, Marc Dann is a 1984 graduate of the University of Michigan, where he earned a bachelor's degree in history. He graduated from the Case Western Reserve University School of Law in 1987.

Brian D. Flick

Mr. Flick advocates for plaintiffs and defendants nationwide in state and federal trial and appellate courts. His practice areas include Consumer Bankruptcy debtor representation in the areas of Chapter 7, 12, and 13, consumer fraud, real estate litigation, foreclosure defense, student loan debt defense, Bankruptcy Litigation, and Mortgage Servicing Litigation under the Real Estate Settlement Procedures Act and the Truth in Lending Act.

He has experience in all phases of litigation including extensive discovery, substantive motion practice, trial practice, and appellate practice. Mr. Flick has worked vigorously for over 14 years to protect the rights of consumers and to pursue recovery for plaintiffs and defendants in numerous civil matters including class actions.

Mr. Flick graduated from Adrian College with a B.A. In Political Science. He earned his law degree from the Ohio Northern University Pettit College of Law. While in law school, he received several academic awards and appeared on the Dean's List multiple times.

Since beginning the practice of law, he has been very active in local and national attorney associations. He is active with the Cincinnati Bar Association's Bankruptcy Committee. Brian also sits on the Volunteer Lawyers Committee for the Cincinnati Bar Association. He is the current Sixth Circuit Listserv Moderator for the National Association of Consumer Bankruptcy Attorneys, a position he has held since May 2017. He is the current Ohio State Chair for the National Association of Consumer Advocates, a position he has held since May 2017. He was also appointed by the Board of Trustees as a member of the Unauthorized Practice of Law Committee of the Cincinnati Bar Association, a position he has held since June 2017. Mr. Flick has been a frequent speaker at Cincinnati Bar Association, NACBA, and NACA events since 2014 as well as assisting with DannLaw's Regulation X and Z Seminars that have taken place since 2016.

Mr. Flick has worked as associate counsel in many class actions the firm has handled including *Lieber, et al. v. Wells Fargo Bank, N.A.*, NDOH Case No. 1:16-cv-02868, *Madyda v. Ohio Department of Public Safety*, Ohio Court of Claims Case No. 2019-00426JD and *Miles Black, et*

al. v. City of Girard, Ohio, et al., Trumbull County Court of Common Pleas Case No. 2018 CV 1256. Mr. Flick was appointed to the Interim Executive Committee in *Angus, et al. v. Flagstar Bank, FSB*, EDMI Case No. 2:21-cv-1067.

Mr. Flick is admitted to the practice of law in the State of Ohio, State of Kentucky and the Federal District Courts and Bankruptcy Courts in the following jurisdictions: Southern District of Ohio; Northern District of Ohio; Eastern District of Kentucky; Western District of Kentucky; Eastern District of Tennessee; Western District of Tennessee; Northern District of Indiana; Southern District of Indiana Eastern District of Michigan and the Northern District of Illinois. He has also been admitted *pro hac vice* in civil litigation in the following United States District Courts for either resolved or pending matters: District of Nevada, Eastern District of Pennsylvania, Central District of California, Central District of Florida and Southern District of Florida. He is also admitted in the United States Court of Appeals for the Sixth Circuit.

Michael A. Smith, Jr.

Mr. Smith is the most recent addition to DannLaw's team of highly skilled attorneys. A graduate of the Ohio State University and the University of Georgia School of Law Mr. Smith is admitted to practice in the State of Ohio, State of New Jersey, the United States District Court for the Northern District of Ohio and the United States District Court for the District of New Jersey. Smith has been active in federal litigation, including Class Action Litigation in the state and Federal Courts of Ohio and New Jersey.

Emily White

After spending nearly a decade as a public interest attorney, Emily White joined DannLaw. She is the Managing Partner of the firm's Columbus, Ohio office where she practices student loan debt, disability rights, Class Action and consumer law.

Emily received her law degree from the City University of New York School of Law, where she served on the editorial board of the New York City Law Review. Following law school, she served for two years as a judicial law clerk to the Honorable Sylvia H. Rambo, U.S. District Court Judge for the Middle District of Pennsylvania.

In 2009 she joined the Legal Aid Society of Cleveland, where she represented low-income consumers during the historic recession and foreclosure crisis. While at Legal Aid she authored a chapter of Ohio Consumer Law focused on student loans and helped student loan borrowers resolve defaults and apply for student loan discharges.

In 2013 she joined Disability Rights Ohio as a staff attorney. In that role Emily represented individuals with disabilities in employment and higher education matters and offered advice about issues related to student loans and vocational rehabilitation services.

Emily received an undergraduate degree in Philosophy from the University of Illinois at Urbana-Champaign. Before attending law school she served as an AmeriCorps volunteer with Habitat for Humanity NYC.

Javier Merino

Attorney Javier Merino is the managing partner of the New Jersey office of DannLaw where he focuses his practice on Consumer, Bankruptcy and Mortgage Servicing Litigation. after receiving his Juris Doctorate from St. John's University School of Law. His practice is focused on bankruptcy, foreclosure defense, and negotiating mortgage loan modifications.

Marino has litigated dozens of claims under Federal and State Consumer Law laws in New Jersey and New York and has defended hundreds of Foreclosure cases.

While at St. John's Law School he was the Executive Blog Editor for the New York Litigator Law Journal and served as treasurer of the Metropolitan/Latino Law Student Association. He also volunteered his time assisting in the preparation of bankruptcy petitions while working at the St. John's Bankruptcy Advocacy Clinic.

Javier Merino is a graduate of Rutgers University and St. John's Law School

Attorney Merino is licensed to practice in the states of New Jersey and New York, the Federal District Court of New Jersey, Third Circuit Court of Appeals, Eastern District of New York, and the Southern District of New York.

Dan Solar

Attorney Dan Solar has brought consumer cases against loan modification mills and financial institutions, won motions to vacate older foreclosure judgments on behalf of DannLaw clients, and unearthed significant evidence of fraud and robo-signing via the legal discovery process.

A licensed attorney since 2009, Dan earned a B.A. in Political Science from Denison University in 2006 and a J.D. from the University of Akron School of Law in 2009. He served an internship at the Cuyahoga County Public Defender's Office and during his years in law school worked as a

law clerk for a firm in Akron, Ohio where he focused on a variety of tort matters and insurance litigation.

In addition to his extensive legal training, Attorney Solar's experience in the origination of mortgage loans gives him a specialized, in-depth and invaluable knowledge of every facet of the mortgage lending process.

Attorney Solar is admitted to practice in the State of Ohio, the United States District Courts for the Northern and Southern Districts of Ohio, and the Eleventh Circuit Court of Appeals.

REPRESENTATIVE CLASS ACTIONS CASES

Completed Cases:
In re Sonic Corp. Customer Data Security Breach, 1:17-md-2807 NDOH (Order granting Plaintiffs' Unanimous and Unopposed Motion to Appoint Attorney William B. Federman as Interim Lead Counsel, Attorney Marc Dann as Interim Liaison Counsel, and Attorneys Thomas A. Zimmerman, Jr., Michael R. Fuller, Melissa R. Emert and Miles Clark as Plaintiffs' Steering Committee signed 01/03/2018) - Class action for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a retailer.

Miller et al. v. Inteleos, Inc., Case No. 1:17-cv-00763-DAP NDOH - $570,000 recovery for a nationwide class of sonographers who took and passed a certification examination but the testing agency improperly scored their results and falsely reported that they failed the examination.

Lieber v. Wells Fargo Bank, N.A., Case No. 1:16-cv-02868-PAG NDOH - $425,000 recovery for a nationwide class of borrowers whose lender failed to properly respond to qualified written requests, requests for information, and/or notices of error because of an improper active litigation, active mediation, or active bankruptcy exception.

Clark, et al. v. Lender Processing Services, Inc, et al., Case No. 2:12-cv-02187 NDOH

Hlavasa, et al. v. Bank of America, et al., Case No. 2:2011-cv-00530 NDOH

Turner, et al. v. Lerner, Sampson & Rothfuss, Case No. 1:11-cv-00056 NDOH

Pending Cases:

RESPA and Mortgage Servicing Class Action

- DannLaw is putative class co-counsel in *Ryder, et al. v. Wells Fargo Bank, N.A.*, United States District Court for the Southern District of Ohio Case No. 19-cv-00638.
- DannLaw is putative class co-counsel in *Trivison, et al. v. Federal National Mortgage Association*, United States District Court for the Northern District of Ohio Case No.

20-cv-00711.

- DannLaw is co-counseling a Class action for a nationwide class of borrowers who were denied the requisite loan modification options, as required by the Real Estate Settlement Procedures Act against a Mortgage Servicer. The matter has not yet proceeded to appointment of Class Counsel or Class Certification.

Constitutional Violations

- DannLaw is putative class co-counsel in *Tarrify Properties, LLC, et al. v. Cuyahoga County, Ohio, et al.*, United States District Court for the Northern District of Ohio Case No. 19-cv-02293.

Data Breach/Misuse of Consumer Information -

- DannLaw has been appointed as Interim Class Co-Counsel in *Acker, et al. v. ProTech Solutions Inc*., United States District Court for the Eastern District of Arkansas Case No. 20-cv-00852;
- DannLaw is co-counseling a Class action for a nationwide class and a statewide class for Ohio Consumers who were subject to a data breach from a third-party data collection agency who contracted with one of the three major Credit Reporting Agencies. The matter has not yet proceeded to appointment of Class Counsel or Class Certification and remains pending in the United States District Court for the Central District of California;
- DannLaw is co-counseling a Class action for a statewide class of Ohio Consumers who were subject to a data breach that occurred with Cleveland Metropolitan Housing Authority. The matter is pending in the Cuyahoga County Court of Common Pleas and has not yet proceeded to appointment of Class Counsel or Class Certification.

Disability Rights

- DannLaw is co-counseling a Class Action Class action for a nationwide class of disabled individuals who were denied full, equal and independent access to the goods, services and facilities provided by a hotel. The matter has not yet proceeded to appointment of Class Counsel or Class Certification.

Shareholder Derivative Suit

- DannLaw is co-counseling as Local Counsel a Shareholder Derivative Complaint against a multi-state Managed Care facility. The matter has not proceeded to Class Certification.
- DannLaw is co-counseling as Local Counsel a Shareholder Derivative Complaint against

Fifth Third Bank, N.A. in Hamilton County, Ohio Court of Common Pleas. The matter has not proceeded to class certification.

NOTE: This list of cases is a representative sample of some of the class action lawsuits. It is not an exhaustive list as it does not include matters that have settled confidentially prior to any Motion for Class Certification.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated,*

Plaintiffs,

v.

DELOITTE CONSULTING LLP,

Defendant.

Case No.: 1:20-cv-3962-LJL (lead case)

Consolidated with
Case No.: 1:20-cv-4129-LJL
Case No.: 1:20-cv-4077-LJL
Case No.: 1:20-cv-4362-LJL
Case No.: 1:20-cv-5070-LJL

DECLARATION OF CHARLES E. SCHAFFER IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Charles E. Schaffer, hereby declare and state as follows:

1. I am a partner in the firm of Levin Sedran & Berman LLP ("Levin Sedran ") one of the law firms representing Plaintiffs in this Action.[1]

2. Levin Sedran was appointed one of the Settlement Class Counsel in this Action. (Order Granting Preliminary Approval, ECF 137 at 3.) I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

3. Levin Sedran has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current and former attorneys from Levin Sedran, in addition to myself, who have worked on this Litigation are: David Magagna and Nicholas Elia.

5. On May 21, 2020, Plaintiffs Culbertson, represented by Levin Sedran and others, filed a Class Action Complaint against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect their and other class members' PII in this Court. (ECF 1.) On May 29, 2020, Plaintiff Melissa Alexander filed a Class Action Complaint against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 1:20-cv-04129-LJL, Compl., ECF 1.) Plaintiff Alexander filed a Statement of Relatedness to the *Culbertson* matter on the same day. (*Id.*, ECF 4.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, as chair of the Deposition Committee and member of the Pleadings, Discovery and Experts Committees, Levin Sedran has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) drafting of the lead complaint in *Culbertson* and Consolidated Amended Complaint; (3) researching, vetting and

retaining cybersecurity experts; (4) consulting with cybersecurity experts regarding the data breach or exposure, Deloitte's security measures or lack thereof and measures to be implemented to prevent data from being exposed in the future; (5) participating in informal expert discovery with Deloitte; (5) participating in settlement discovery in advance of and after the mediation; (6) drafting Plaintiffs' mediation statement and submissions and analyzing Deloitte's submissions; (7) participating in the mediation and post mediation conferences and discussions with Lead Counsel Jeffrey Goldenberg, John Yanchunnis, Matthew George and defense counsel; (8) legal research; (9) drafting of motions and briefs including Response to Motion to Dismiss and Preliminary Approval; (10) participating in case strategy conferences and decisions; (11) documenting the settlement agreement and preparation of exhibits; (12) preparing the settlement approval documents (13) working with Lead Counsel Jeffrey Goldenberg, John Yanchunnis, Matthew George, defense counsel and expert notice provider and claims administrators in drafting of the notice plan and claims forms and related documents and (14) monitoring and troubleshooting the claims process after the dissemination of the notice to the class. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research, investigation and attention to detail.

8. Additionally, Levin Sedran as a member of the settlement committee worked with Lead Counsel Jeffrey Goldenberg, John Yanchunnis and Matthew George which culminated in the Settlement before this Court. From the outset of the settlement negotiations, I was directly involved in all aspects of negotiations and participated in regular calls with Lead Counsel Jeffrey Goldenberg, Class Counsel and defense counsel. During these calls, various aspects of this Action and Settlement were discussed.

II. LEVIN SEDRAN'S LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by Levin Sedran for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, Levin Sedran

has worked diligently to perform tasks throughout the entire course of this litigation, including *inter alia*: (1) case investigation; (2) drafting of the lead complaint in Culbertson and Consolidated Amended Complaint; (3) researching, vetting and retaining cybersecurity experts; (4) consulting with cybersecurity experts regarding the data breach or exposure including security measures Deloitte should have and could have implemented as well as security measures to implement to prevent data from being exposed in the future; (5) participating in informal expert discovery with Deloitte; (5) participating in settlement discovery before and after the mediation; (6) drafting Plaintiffs' mediation statement and submissions and analyzing Deloitte's submissions; (7) participating in the mediation and post mediation conferences and discussions with Lead Counsel Jeffrey Goldenberg, John Yanchunnis, Matthew George and defense counsel; (8) legal research; (9) drafting of motions and briefs including Response Motion to Dismiss and Preliminary Approval; (10) participating in case strategy conferences and decisions; (11) documenting the settlement agreement and preparation of exhibits; (12) preparing the settlement approval documents (13) working with Lead Counsel Jeffrey Goldenberg, John Yanchunnis, Matthew George, defense counsel and expert notice provider and claims administrators in drafting of the notice plan and claims forms and related documents; and (14) overseeing and troubleshooting the claims process after the dissemination of the notice to the class.

10. Before initiating any action, Class Counsel conducted a thorough investigation of the claims, both legal and factual. Specifically, Levin Sedran thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 8, 2021, for Levin Sedran's attorneys and paralegals:

Attorney	Total Hours	Hourly Rate	Amount
Charles E. Schaffer	187.00	$975	$182,325.00
David Magagna	1.10	$550	$605.00
Nicholas Elia	1.50	$500	$750.00
Total:	**189.60**		**$183,680.00**

Shown above is a true and correct summary identifying the attorneys who have worked on this litigation, the number of hours, those individuals have worked, their regular hourly billing rates, and their respective lodestar values. The detailed descriptions of the time spent by the attorneys and other professionals of my firm in this litigation was prepared from contemporaneous, daily time records prepared and maintained by my firm. The lodestar figure is based on the ordinary professional billing rates that my law office charges clients in class action litigation. Expenses are accounted for and billed separately, without markup, and are not duplicated in the professional billing rates. Further detail regarding the litigation and trial experience of each professional can be found, to the extent available, in the firm resume attached hereto as Exhibit "A."

12. The hourly rates shown the Summary Chart above are the usual and customary lodestar rates charged in Philadelphia, and the national venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used

to justify higher hourly compensation. The rates reflect Levin Sedran's experience in the field, the complexity of the matters involved in this litigation and have not been adjusted.

13. These lodestar amounts were derived from contemporaneous daily time records compiled on this matter, which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case. I oversaw the day-to-day activities in the litigation and reviewed these printouts and backup documentation when necessary. The purpose of the reviews were to confirm both the accuracy of the entries on the records as well as the necessity for, and reasonableness of the time and expenses that my firm committed to the litigation. I believe that the time reflected in the firm's lodestar calculation and the expense for which payment is sought are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of this litigation.

14. The lodestar summary reflects Levin Sedran's experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

15. The number of hours that Levin Sedran has devoted to pursuing this litigation is reasonable and appropriate, considering, among other factors: (a) the scope and high stake's nature of this proceeding; and b) the novelty and complexity of the claims asserted in the litigation.

16. The hourly rates of Levin Sedran are appropriate for complex, nationwide litigation.

17. Levin Sedran is a well-respected leader in the fields of product liability, consumer fraud, antitrust, securities, financial, commercial and other complex class-action litigation. The Levin Sedran rates, which were used for purposes of calculating the lodestar here, are based on prevailing rates for national class-action work and have been approved by multiple courts across the country. For instance, Levin Sedran's and Charles E. Schaffer's rates were approved by courts

in the following cases: *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La. 2011); In re Propulsid Products Liability Litigation, MDL No. 1355 (E.D. La); *In re: CertainTeed Roofing Shingle Products Liability Litig.*, No. 07-MDL-1817 (E.D. Pa. 2010); *Davis v. SOH Distribution Company, Inc.*, Civil Action No. 09-CV-237 (M.D. Pa. 2010); *In re Wellbutrin SR Antitrust Litigation*, Civil Action No. 04-5525 (E.D. Pa. 2011);*Gwaizdowski v. County of Chester, Civil Action No.* 08-CV-4463 (E.D. Pa. 2012); *Meneghin v. The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (Superior Court, Ocean County, NJ 2012); *Melillo, et al. v. Building Products of Canada Corp.*, Civil Action No. 1:12-CV-00016-JGM (D. Vt. Dec. 2012); *Vought, et al., v. Bank of America*, et al., Civil Action No. 10-CV-2052 (C.D. Il. 2013); *Eliason, et al. v. Gentek Building Products, Inc.*, et al., No. 10-2093 (N.D. OH. 2013); and *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. IL. 2013).

18. Numerous courts have recently approved significant fee awards for Levin Sedran and Charles E. Schaffer, based on their customary hourly rate. Eleven recent decisions are: *Smith v. Volkswagen Group of America, Inc.*, 13-cv-370 (S.D. Ill. 2014); *In re: CertainTeed Fiber Cement Siding Litigation, MDL No. 2270 (E.D. PA. 2014)*; *In re: JP Morgan Chase Mortgage Modification Litigation*, No. 11-md-2290 (D.C. Mass. 2014); *United Desert Charities, et al v. Sloan Valve Company, et al*, Case No. 12-6878 (C.D.Cal.2014); *Gulbankian, et al. v. MW Manufacturers, Inc.*, 10-10392 (D.C. Mass.); *Pollard v. Remington Arms Company, LLC*, Case No. 4:13-cv-00086-ODS (W.D. M.O. 2017); *Leach v. Honeywell International, Inc.*, Case No. 1:14-cv-12245-LTS (D.C. Mass); *In Re IKO Roofing Shingle Products Liability Litigation*, MDL No.: 2104 (C.D. Ill.); *Newman, et. el. V. Metropolitan Life Insurance Company*, Case No. 1:11-cv-03530 (N.D. Ill. 2019); *In re Apple Inc. Device Performance Litigation*, MDL 2827 (N.D.Ca.

2020); *Hill v. Canidae Corporation*, Case No. 20-1374 (C.D. CA. 2021) and *Herrera v. Wells Fargo Bank, N.A.*, Case No. 8:18-cv-00332(C.D. 2021).

19. In *In re: CertainTeed Fiber Cement Siding Litigation*, the United States District Court for the Eastern District of Pennsylvania, approved the entire requested fee of $18.5 million dollars, including the 2014 rates of Charles E. Schaffer ($950.00). In *Pollard v. Remington Arms Company*, the United States District Court for the Western District of Missouri approved the entire requested fee of $12.5 million dollars, including the 2017 rates of Charles E. Schaffer ($975.00), and Sammi McCurtain (document reviewer) ($450.00), and in *Leach v. Honeywell International, Inc.*, the United States District Court for the District of Massachusetts approved the entire requested fee award of $1.15 million dollars, including the 2017 rates of Charles E. Schaffer ($975.00) and Michael MacBride (attorney) ($475.00). More recently *In Re IKO Roofing Shingle Products Liability Litigation*, the United States District Court for the Central District of Illinois approved the entire requested fee award of $7.5 million dollars, including the 2019 rates of Charles E. Schaffer ($975.00) and Michael MacBride (attorney) ($475); in *Newman, et. el. V. Metropolitan Life Insurance Company*, the United States District Court for the Northern District of Illinois approved the entire requested fee award of $5 million dollars, including the 2019 rates of Charles E. Schaffer ($975.00); and in *In re Apple Inc. Device Performance Litigation*, the United States District Court for the Northern District of California approved the fee award of $80.6 million dollars, including the submitted rates of Charles E. Schaffer ($950), other members of the firm and paralegals. Id., ECF No. 609 at p.15. (Those rates are consistent with rates that have been awarded in this District. See, e.g., Dickey v. Advanced Micro Devices, Inc., 2020 WL 870928, at *8 (N.D. Cal. Feb. 21, 2020) (finding rates between $275 and $1,000 for attorneys reasonable); In re Lidoderm Antitrust Litig., 2018 WL 4620695, at *2 (N.D. Cal. Sept. 20, 2018) (finding rates

between $300 and $1,050 for attorneys reasonable)). In 2021, the United States District Court for the Central District of California in *Hill v. Canidae Corporation*, Case No. 20-1374 (C.D.CA, 2021) approved the submitted rates of Charles E. Schaffer ($975) and associate David Magagna ($550). *See* ECF No. 79 at p.16. (Plaintiffs also submit Class Counsel's billing rates that other courts have approved, which show that one of the partners who is counsel for Plaintiffs has consistently been approved at an hourly rate of $950.00 to $975.00 per hour, while a non-partner attorney was consistently approved at an hourly rate of $450.00 to $475.00. (Schaeffer Decl. ¶ 28.) Accordingly, the Court determines that the hourly rates used to calculate the lodestar are reasonable.). In November of 2021, the United States District Court for Central District of California in *Herrera v. Wells Fargo Bank, N.A.*, Case No. 8:18-cv-00332(C.D. 2021) approved the entire requested fee award of $23.1 million dollars, including the 2021 rates of Charles E. Schaffer ($975.00), associate David Magagna ($550) and IT specialist Thomas Shrack ($475). *See* ECF No. 208 adopting the Tentative Order Regarding Final Approval of Class Settlement and Final Approval of Attorneys' Fees at pp. 21-22.

20. During the course of this Action, Levin Sedran incurred $238.10 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of Levin Sedran and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Court Costs, Filing Fees and Transcripts	$200.00
Legal Research	$38.10
TOTAL	**$238.10**

21. After notice was disseminated to the Class I have assisted in overseeing the claims administration process and will continue to do until the all claims are filed and processed. In addition, as Class Counsel I will continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. LEVIN SEDRAN AND CHARLES E. SCHAFFER HAVE A LENGTHY AND SUCCESFULL HISTORY REPRESENTING CONSUMERS

22. Levin Sedran is one of the nation's preeminent and most experienced plaintiff class-action firms with extensive experience and expertise in consumer protection, product liability, antitrust, securities, financial, commercial and other complex class-action litigation. Levin Sedran's firm resume is attached as Exhibit "A", and the firm has been recognized by its peers and Courts nationwide for its successful class-action leadership. As a result of its success representing consumers in complex litigation throughout the country, Levin Sedran has been distinguished as a Tier I class-action firm in the Best Law Firms rankings published in the U.S. News and World Report Best Law Firms. It also ranked Levin Sedran Tier I for personal injury and mass tort firms. Levin Sedran was also named to THE NATIONAL LAW JOURNAL'S insurance list of America's Elite Trial Lawyers in 2014. Members of Levin Sedran are listed in the LEGAL 500, LAW DRAGON 500, Martindale Hubbell's Directory of Preeminent Attorneys, as in the Best Lawyers In America. See generally, Levin Sedran firm resume attached as Exhibit "A". Levin Sedran pioneered the use of class actions and mass actions in the United States and its work has resulted in numerous record-breaking recoveries over the past four decades. Just for example:

a. *In re: Asbestos School Litigation,* No. 83-0263 (E.D. Pa.) (Levin Sedran as member of Executive Committee and Lead Trial Counsel obtained a

certification of a nationwide class and settlement on behalf of school districts);

b. *In re: Diet Drug Product Liability Litigation*, MDL No.: 1203 (E.D. Pa.) (Levin Sedran as Co-Lead Counsel obtained a $6.75 billion-dollar settlement on behalf of consumers who ingested Fen Phen); [2]

c. *In re: The Exxon Valdez*, No. 89-00095 (D. Alaska) (Levin Sedran as a member of the Trial and Discovery Committee represented fishermen, native corporations, native villages, native claims and business claims in this mass tort. After a jury trial, Plaintiffs obtained a judgment of $5 billion in punitive damages - at the time the largest punitive damage verdict in U.S. history. Later reduced to $507.5 million by the U.S. Supreme Court);

d. *In re: Chinese-Manufactured Drywall Product Liability Litigation,* MDL No.: 2047 (E.D. La.) (Levin Sedran as Lead Counsel obtained inter-related settlements involving various suppliers, builders, installers, insurers and manufacturers of Chinese drywall valued in excess of $1 billion);

e. *In re: The Vioxx Product Liability Litigation*, MDL No.: 1657 (E.D. La.) (As a member of the PSC and Plaintiffs' Negotiating Committee, Levin Sedran was instrumental in achieving a $4.85 billion-dollar settlement on behalf of consumers who ingested Vioxx);

f. *In re Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (As Co-Lead counsel in the decade long air cargo antitrust litigation Levin Sedran obtained 28 inter-related settlements against air cargo service providers totaling $1.2 billion dollars);

g. *Galanti, et al. v. The Goodyear Tire and Rubber Co. ("Entran II")*, Civil Action No.: 03-209 (D.C. N.J.) (As a member of the Executive Committee Levin Sedran was instrumental in negotiating and achieving the creation of a common fund in the amount of $344,000,000); and

h. *In re: National Football League Players' Concussion Injury Litigation*, MDL No.: 2323 (E.D. Pa.) (As Subclass Counsel working along with Lead Counsel obtained an uncapped settlement valued in excess of $1 billion dollars on behalf of NFL football players).

[2] That prolix settlement has received favorable comments by academia. *See* Nagareda, R., "Autonomy, Peace, and 'Put" Options in the Mass Tort Class Action," 115 Harv.L.Rev. 747, 756 (2002).

23. My firm and I regularly prosecute complex consumer class actions involving consumers who have been victimized by unfair or deceptive practices and have one of the best track records in the country when it comes to developing practical damages methodologies, obtaining prompt relief for consumers victimized by defective products, unfair or deceptive practices, consumer fraud, and other corporate malfeasance such as anti-competitive conduct, as well as working cooperatively with others. *See* Levin Sedran's firm resume attached as Exhibit "A". Through smart, efficient, strategy and tailored creative problem-solving my firm and I have recovered billions of dollars for victims of defective products, unfair or deceptive practices, consumer fraud, and other corporate malfeasance such as anti-competitive conduct. *Ibid.* We have accomplished these outstanding global and class settlements while zealously prosecuting the action while minimizing costs and maximizing value.

24. I have extensive experience leading and prosecuting class-action lawsuits in a wide variety of contexts with a substantial focus on consumer protection, products liability and other complex class-action litigation. I have been appointed to leadership positions in MDLs by various different courts. My appointments in MDL litigation include inter alia: *In re Aqueous Film-Forming Foams Products Liability Litigation,* MDL 2873 (SC) (Plaintiffs' Steering Committee); *In re Apple Inc. Device Performance Litigation*, MDL 2827 (N.D.Ca.) (Plaintiffs' Executive Committee); *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability Litigation,* MDL 2828 (D. Or.) (Plaintiffs' Steering Committee); *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.) (Plaintiffs' Executive Committee); *In re Hills Pet Nutrition, Inc., Dog Food Products Liability Litigation,* MDL No. 2887 (D.C. Ks.) (Plaintiffs' Executive Committee); *In re: JP Morgan Modification Litigation,* MDL No. 2290 (D.C. Mass.) (Plaintiffs' Co-lead Counsel); *In re: IKO Roofing Products Liability Litigation,* MDL No. 2104

(C.D. Ill.) (Plaintiffs' Co-lead Counsel); *In re: HardiePlank Fiber Cement Siding Litigation*, MDL No.: 2359 (D.C. Minn.) (Plaintiffs' Executive Committee); *In re Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill.) (Plaintiffs' Executive Committee); *In re: Azek Decking Sales Practice Litigation*, Civil Action No.: 12-6627 (D. NJ) (Plaintiffs' Executive Committee); *In re: Pella Corporation Architect and Designer Series Windows Marketing Sales Practices and Product Liability Litigation*, MDL No.: 2514 (D.C. SC) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No.: 2223 (N.D. Ill.) (Plaintiffs' Steering Committee); *In re: CitiMortgage, Inc. Home Affordable Modification Program ("HAMP")*, MDL No.: 2274 (C.D. Ca.) (Plaintiffs' Executive Committee); *In re: Carrier IQ Consumer Privacy Litigation*, MDL No.: 2330 (N.D. Ca.) (Plaintiffs' Executive Committee); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH) (Plaintiffs' Executive Committee); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL NO.: 2382 (E.D. Miss.) (Plaintiffs' Executive Committee); *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D. NH) (Plaintiffs' Executive Committee) and *Gold v. Lumber Liquidators, Inc.*, No.3:14-cv-05373-TEH (N.D.Ca.) (Plaintiffs' Executive Committee). I have also served in leadership positions in class actions which were not consolidated in an MDL. See Exhibit "A." In addition, I have served as member of litigation teams where Levin Sedran was appointed to leadership positions in, inter alia. *In re Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D.La.); *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.); *In re Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); and *In re Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.).

25. Of particular relevance to this litigation, I have previously served in leadership as well as a part of litigation teams in class actions representing victims of unfair trade practices and consumer fraud. For instance, as stated supra I was instrumental in bringing about settlements in national class actions involving inter alia in roofing shingles and siding. *E.g. In Re CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.) (roofing shingles); *In re CertainTeed Fiber Cement Siding Litigation*, MDL No: 2270 (E.D. Pa.) (siding) and *In Re IKO Roofing Shingle Products Liability Litigation*, MDL No.: 2104 (C.D. Ill.) (roofing shingles). See also Levin Sedran's Firm Resume attached hereto as Exhibit "A". With respect to consumer goods, I was instrumental in bringing about national settlements inter alia in *In re Hills Pet Nutrition, Inc., Dog Food Products Liability Litigation*, MDL No. 2887 (D.C. KS.) (C.D. Ill.) (dog food)(Plaintiffs' Co-lead Counsel); *In re Apple Inc. Device Performance Litigation*, MDL 2827 (N.D.Ca. 2020) (phone); United Desert Charities, et al v. Sloan Valve Company, et al, No. 12-6878 (C.D.Cal.2014) (toilet); *In re Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill.) (engine); *In re: Azek Decking Sales Practice Litigation*, Civil Action No.: 12-6627 (D. NJ) (composite deck); *In re: Carrier IQ Consumer Privacy Litigation*, MDL No.: 2330 (N.D. Ca.) (phone); *Pollard v. Remington Arms Company*, LLC, Case No. 4:13-cv-00086-ODS (W.D. M.O. 2017) (rifle); Leach v. Honeywell International, Inc, Case 1:14-cv-12245-LTS (D.C. Mass) (humidifier); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH))(antibacterial soap); *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D. NH) (antibacterial soap) and *Gold v. Lumber Liquidators, Inc.*, No.3:14-cv-05 (N.D.Ca.) (flooring).

26. In addition, I previously served in leadership as well as a part of litigation teams in class actions representing victims of unfair trade practices by banks, insurers, manufacturers and

other entities. For instance, I have successfully represented consumers who were victims of being forced placed with insurance which they did not need or request. *E.g. In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.) (forced placed auto insurance);; *Weller v. HSBC Mortgage Services, Inc.*, No. 13-cv-00185 (D.C. Col.) (forced place flood insurance); *Gilmour v. HSBC Bank, N.A.*, No.: 1:13-cv-05896 (S.D. NY) (forced place hazard insurance); and *Smith v. SunTrust Mortgage, Inc.*, No.: SACH3-739-AG (C.D. Ca.) (forced place hazard insurance). I have also has represented victims of financial and or insurance fraud against financial institutions, insurance companies, lenders, finance companies and other entities. *E.g.*, Herrera v. Wells Fargo Bank, N.A., Case No. 8:18-cv-00332(C.D. 2021) (Gap Insurance) (Class Counsel); *In re: JP Morgan Modification Litigation*, MDL No.: 2290 (D.C. Mass.) (Plaintiffs' Co-lead Counsel); *In re: Citimortgage, Inc. Home Affordable Modification Program ("HAMP")*, MDL No.: 2274 (C.D. Ca.) (Plaintiffs' Executive Committee); *Vought, et al., v. Bank of America*, et al., Civil Action No. 10-CV-2052 (C.D. Ill. 2013) (Plaintiffs' Discovery and Settlement Committees); *Kowa, et. el. v. The Auto Club Group AKA AAA Chicago*, Case No. 1:11-cv-07476 (N.D. Ill.) (Co-lead Counsel); *In re Pergerine Financial Group Customer Litigation*, MDL No.12-5546 (N.D.Ill.); *In Re MF Global Holdings LTD. Investment Litigation*, case no 12-MD -2338 (S.D.N.Y.) and other cases.

27. I served as lead counsel in *In re: JP Morgan Modification Litigation*, MDL No.: 2290 (D.C. Mass.). This MDL involved a class action filed across the United States all of which arose out of JP Morgan Chase's implementation of the Home Affordable Modification Program, one of the main programs designed to assist struggling homeowners in the economic downturn. In exchange for receiving billions of dollars in funds, JP Morgan Chase and many other big banks agreed to offer homeowners loan modifications pursuant to the Federal Guidelines. Numerous

individuals sued JP Morgan Chase and certain other related companies claiming that Chase failed to offer them a timely and proper permanent mortgage modification after they completed trial period plans under HAMP or Chase's home own equivalent programs. I was instrumental in every phase of the litigation including settlement which culminated in a nationwide settlement under a consolidated litigation which provided a broad range of benefits to tens of thousands of homeowners. The overall value of the settlement to class members which was determined to be $506 million dollars by a former treasury department official who worked on the initial management of the Government's program.

28. I was a member of the Plaintiffs' Executive Committee in *In re: Wells Fargo Insurance Marketing Sales Practices Litigation,* MDL No. 2797 (C.D.Ca.) and was instrumental in achieving a nationwide class action settlement on behalf of victims who were forced placed with auto insurance. The total settlement fund was $432.4 million dollars and class members also received non compensation benefits such as adjustments and corrections to their credit reports. The case centered around Wells Fargo and its predecessors, together with auto insurance underwriter National General and its predecessors, engaging in a more than decade-long scheme that forced millions of Wells Fargo customers to pay for CPI they did not need or want, bilking tens of millions of dollars from them in the process. Defendants' unlawful scheme was devious and disguised. Wells Fargo would purchase CPI from National General (or its predecessors) and then force-place the CPI on its auto loan borrowers' accounts. Wells Fargo assessed a full year worth of CPI charges against the borrower's account, and then charged interest each month on that CPI premium before applying payments to a customer's principal loan balance. This ensured that Wells Fargo's CPI charges were paid first, and any deficiency resulted in the borrower falling behind on payments, suffering related harm, and defaulting on the underlying loan. On top of the

CPI premium and interest, Wells Fargo also tacked on an unearned commission. The unearned commissions were paid by National General and its predecessors as kickbacks to one of Wells Fargo's affiliates for the force-placement of the CPI. These kickbacks ensured that the CPI charges to Wells Fargo's borrowers were more expensive than the premiums for coverage borrowers could have and often did obtain on their own. Even after Wells Fargo stopped receiving commissions in 2013, it continued to assess CPI charges on borrowers' accounts in excess of the cost of CPI or other auto insurance products. I was instrumental in achieving the nationwide settlement and rectifying these harms on behalf of the class.

29. More recently as Class Counsel in *Herrera v. Wells Fargo Bank, N.A.*, Case No. 8:18-cv-00332 (C.D. 2021) I was instrumental in achieving a nationwide class action settlement on behalf of victims who were not reimbursed their unearned gap premiums after they paid off early their loan. The total settlement fund was estimated to pay out $500 million dollars to class members. The case centered around Wells Fargo's practice of not refunding unearned GAP fees after a customer pays off their finance agreement before the original maturity date (an "Early Payoff"). Wells Fargo contended it was not responsible for issuing these refunds, and customers are required to seek the refunds from the auto dealerships that sold them their vehicles, or the administrative companies listed in the GAP Agreements. Plaintiffs contended that Wells Fargo had a contractual and legal obligation to issue the refunds as the assignee of the GAP Agreements. I was instrumental in achieving the nationwide settlement and rectifying these financial harms on behalf of the class.

Under the terms of the settlement, Wells Fargo & Co. agreed to refund unearned guaranteed asset protection, or GAP, fees to car buyers nationwide who paid off their auto loans early. GAP fees are paid toward waivers that shield car buyers from owing money on their auto loans if their

vehicles are lost or totaled and their insurance payout doesn't cover the remaining loan balance. These waivers are baked into overall loan amounts such that if a loan is paid off early, the borrower may be refunded for the unused coverage. Class members alleged that Wells Fargo is wrongfully keeping hundreds of millions of dollars in "unearned" GAP fees that it was required to return. The settlement agreement obligates the bank beginning in 2022 to automatically refund unearned GAP fees to customers in all states who pay off their car loans early. This obligation would continue for four years, during which the plaintiffs said they expect Wells Fargo to pay out more than $417 million in GAP fee refunds that might not have otherwise been returned. In addition to refunds of GAP fees, the settlement also dictates that Wells Fargo will put another $45 million in a "supplemental" fund to be applied in part toward retroactive refunds for other customers. The $45 million fund will additionally cover other settlement-related costs and litigation expenses.

30. For the reasons set forth in this Declaration Class Counsel respectfully requests that the Court grant Plaintiffs' Motion for Final Approval of the Class Action Settlement and Petition for Attorney's Fees and Reimbursement of Expenses.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: November 23, 2021

Charles E. Schaffer

EXHIBIT "A"

LEVIN SEDRAN & BERMAN
ATTORNEYS AT LAW

Levin Sedran & Berman LLP is a Philadelphia law firm with a national reputation for superior client service and results representing clients in cases pending both in the Philadelphia area and across the nation. Through almost 40 years of serving our clients, our attorneys have gained national recognition for their experience and skill and are frequently called upon to lead some of the largest class actions, mass torts, complex litigation and antitrust cases in the nation. Our stock-and-trade is the litigation of technically complex cases, usually pending before an assigned MDL court. We have been appointed lead counsel or to other leadership positions in hundreds of cases, including more than forty MDLs, and are presently serving or have served in such positions in several of the largest and technically complex class actions nationwide. We regularly appear in federal courts throughout the country. *See e.g.*, *In re: Chinese-Manufactured Drywall Product Liab. Litig.,* MDL No. 2047 (E.D. La.) (Lead Counsel); *In re: Nat'l Football League Players' Concussion Injury Litig.*, MDL No. 2323 (E.D. Pa.) (Plaintiffs Steering Committee and Subclass Counsel for Settlement); *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.) (Special Counsel to the Plaintiffs' Fee and Cost Committee as well as having been on a discovery team); *In re: Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (Co-Lead Counsel); *In re: Wells Fargo Insurance Marketing Sales Practices Litigation,* MDL No. 2797 (C.D. Ca.) (Plaintiffs' Executive Committee); *In re: Apple Inc. Device Performance Litigation,* MDL 2827 (N.D. Ca.) (Plaintiffs' Executive Committee); and *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability* Litigation, MDL 2828 (C.D. Or.) (Plaintiffs' Executive Committee to represent the interests of governmental entities). Our firm's philosophy from leading and prosecuting complex class actions for over three decades is to efficiently, vigorously and zealously prosecute the action on behalf of our clients and the class. We become experts in the facts of the case, law, and science and assemble a team committed to doing the same.

Our firm has earned rankings published in the U. S. News and World Report for Best Law Firms, as a Tier I law firm for class-actions, personal injury and mass tort cases. The firm was also named to THE NATIONAL LAW JOURNAL's insurance list of *America's Elite Trial Lawyers* in 2014. Members of the firm are listed in the LEGAL 500, LAW DRAGON 500, Martindale Hubbell's *Directory of Preeminent Attorneys*, "Best Lawyers in America", and the National Trial Lawyers Top 100 Trial Lawyers.

We have pioneered the use of class actions and mass actions in the United States with our work resulting not only in numerous record-breaking recoveries but also pioneering novel results over the nearly four decades we have been specializing in this practice area of the law. A few examples include:

- *In re: Asbestos School Litigation*, No. 83-0263 (E.D. Pa.) (Levin Sedran & Berman as member of Executive Committee and Lead Trial Counsel obtained a certification of a nationwide class and

settlement on behalf of school districts that included pioneering the 50-state analysis of the law to meet class certification requirements);

- *In re: Three Mile Island Litigation,* Civil Action No. 79-0432 (M.D. Pa.) (Levin Sedran & Berman as a member of Executive Committee that obtained a settlement that included the establishment of a medical monitoring fund);

- *In re: Diet Drug Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (Levin Sedran & Berman as Liaison and Co-Lead Counsel obtained a $6.75 billion-dollar settlement on behalf of consumers who ingested Fen-Phen);[1]

- *In re: The Exxon Valdez,* No. 89-00095 (D. Alaska) (Levin Sedran & Berman as a member of the Trial and Discovery Committee and represented fishermen, native corporations, native villages, native claims and business claims in this mass tort involving the massive oil spill in Alaska. The firm's assistance in the litigation helped the Plaintiffs obtain a judgment of $5 billion in punitive damages - at the time the largest punitive damage verdict in U.S. history. (Later reduced to $507.5 million by the U.S. Supreme Court);

- *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.) (Levin Sedran & Berman as Lead Counsel obtained inter-related settlements involving various suppliers, builders, installers, insurers and manufacturers of Chinese drywall with a value that exceeds $1 billion dollars);

- *In re: The Vioxx Product Liability Litigation*, MDL No. 1657 (E.D. La.) (As a member of the PSC and Plaintiffs' Negotiating Committee, Levin Sedran & Berman was instrumental in achieving a $4.85 billion-dollar settlement on behalf of consumers who ingested Vioxx);

- *In re: Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (As Co-Lead Counsel in the decade long air cargo antitrust litigation Levin Sedran & Berman obtained 28 inter-related settlements against air cargo service providers totaling $1.2 billion dollars);

- *Galanti, et al. v. The Goodyear Tire and Rubber Co. ("Entran II")*, Civil Action No.: 03-209 (D.C. N.J.) (As a member of the Executive

1 That prolix settlement has received favorable comments by academia. *See* Nagareda, R., "Autonomy, Peace, and 'Put" Options in the Mass Tort Class Action, "115 Harv.L.Rev. 747, 756 (2002).

Committee Levin Sedran & Berman was instrumental in negotiating and achieving the creation of a common fund in the amount of $344 million); and

- *In re: National Football League Players' Concussion Injury Litigation*, MDL No. 2323 (E.D. Pa.) (Levin Sedran & Berman as Subclass Counsel working along with Lead Counsel obtained an uncapped settlement having a value that exceeds $1 billion dollars on behalf of NFL football players).

Frequently, the firm was specifically recognized by a court that is presiding over a matter for its work product and success in handling technical complex class-action cases. Examples of courts favorably commenting on the quality of the firm's work include:

- In *In re: Three Mile Island Litigation,* 557 F. Supp. 96 (M.D. Pa. 1982) Judge Rambo favorably acknowledged the quality of the work of Levin Sedran & Berman in her opinion.

- In the *Lazy Oil Co. v. Witco Corp., et al.*, C.A. No. 94-110E (W.D. Pa.) (Plaintiffs' Co-Lead Counsel) ("[t]he Court notes that the class was represented by very competent attorneys of national repute as specialists in the area of complex litigation. As such, Class Counsel brought considerable resources to the Plaintiffs' cause. The Court has had the opportunity to observe Class Counsel first-hand during the course of this litigation and finds that these attorneys provided excellent representation to the Class. The Court specifically notes that, at every phase of the litigation, Class Counsel demonstrated professionalism, preparedness and diligence in pursuing their cause.")

- In *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL No. (1014) (E.D. Pa.) (Plaintiffs' Lead Counsel) ("the Court also finds that the standing and expertise of counsel for [plaintiffs] is noteworthy. First class counsel is of high caliber and most PLC members have extensive national experience and similar class-action litigation.")

- In *In re: Consumer Bags Antitrust Litigation*, Civil Action No. 77-1516 (E.D. Pa.) (Plaintiffs' Lead Counsel) ("Each of the firms and the individual lawyers in this case have extensive experience in large, complex antitrust and securities litigation." Furthermore, the Court notes that the quality of the legal services rendered was of the highest caliber.)

- In *In re: Diet Drugs Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (Plaintiffs' Co-Lead Counsel) (Court recognized "the 'remarkable contribution' from Levin Sedran & Berman in the creation of the largest nationwide personal injury settlement to date")

- In *In re: Summers v. Abraham Lincoln Savings and Loan Association*, 66 F.R.D. 581, 589 (E.D. Pa.) ("There is no question that Plaintiff's counsel is experienced in the conduct of the class action . . .".)

We regularly prosecute multi-state consumer class actions involving technically complex issues in representing victims of defective products, unfair trade practices, data breaches, privacy security breaches and other complex cases involving computers, phones, devices and source code. Aside from the cases cited above, reference is made to: *In re: CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.), *In re: CertainTeed Fiber Cement Siding Litigation,* MDL No: 2270 (E.D. Pa.), *Pollard v. Remington Arms Company,* Case No. 4:13-CV-00086-ODS (W.D. Mo.), *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation,* MDL 2828 (D. Or.). and *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.).

Relating to data breach and privacy cases, the firm has served as a member of the Executive Committee *in In re: Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.) ($39 million settlement value for plaintiff financial institutions), where they were instrumental in working with experts and discovery including establishing the proper standard of care and calculation of damages to all victims (consumer and financial institutions) and serve as Co-Lead Counsel in *Green v. Accolade, Inc.*, 2:18-cv-00274 (E.D. Pa.) (where an employer breached its employees' PII information). The firm's data breach litigation experience also includes its leadership roles in: *Kuss v. American Home Patient, Inc. et. el.*, 8:18 -cv-0248 (M.D. Fl.) (where laptops were stolen and patient's medical information breached); *Abdelmessih v. Five Below, Inc.,* 2:19-cv-01487 (E.D. Pa.) (where retailer breached customers' PII information stored electronically); *Bryd v. Aaron's Inc.,* No. 11-101 (W.D. Pa.) (where defendant placed spyware on rental computers); *Peterson v. Aaron's Inc.*, No. 1-14-cv-1919 (N.D. Ga.) (where defendant placed spyware on rental computers) and on the Executive Committee in *Harris, et. el.* v. *Lord and Taylor, LLC*, 18-cv-00521 (D.Del.) (where retailer breached customers' PII information stored electronically); *Kyler, et al. v Saks Incorporated,* 18-cv-00360 (M.D. Tn.) (where retailer breached customers' PII information stored electronically) and *In re: Carrier IQ, Inc., Consumer Privacy Litigation*, No. 12-md-1330 (N.D. Cal.) (where defendant placed software on mobile devices).

More recently the firm obtained certification of cases *inter alia* in *Helmer, et al. v. The Goodyear Tire and Rubber Co. ("Entran III")*, Civil Action No.: 12-00685 (D.C. Col.) (certification of a liability only class on behalf of purchasers of radiant floor heating and then tried the issue of liability to a jury); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH.) (certification of multi state class action on behalf of purchasers of Dial

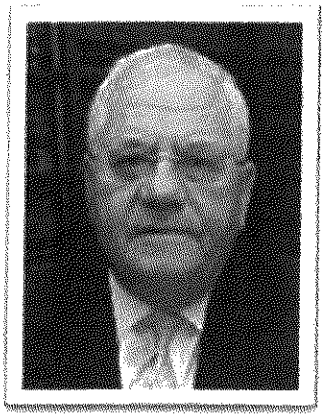
Complete Anti-Bacterial Soap); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL NO.: 2382 (E.D. MS.) (certification of a national class action on behalf of purchasers of wet/dry vacs) and *Gold v. Lumber Liquidators, Inc.*, No.3:14-cv-05373-TEH (N.D. Ca.) (certification of a multi-state class action including California on behalf of purchasers of bamboo flooring)

The firm willingly takes cases through years of discovery and motion practice and settles only if the case is positioned for consumers to obtain real and meaningful benefits and relief. And, unlike many class action firms, Levin Sedran & Berman also takes cases to trial. In lead roles and as members of litigation teams, Levin Sedran & Berman did so in *In re: Chinese-Manufactured Drywall Product Liability Litigation, In re: The Exxon Valdez, Entran III and MDL - 2592 Xarelto Products Liability Litigation* (part of trial team of coordinated cases in the Philadelphia Mass Tort Program).

More specifics about many of the accomplishments of the attorneys of Levin Sedran & Berman are set forth below in the biographies of the individual attorneys of the firm.

THE FIRM'S PRINCIPAL LAWYERS

ARNOLD LEVIN
Founding Member



ARNOLD LEVIN graduated from Temple University, B.S., in 1961, with Honors and Temple Law School, LLB, in 1964. He was Articles Editor of the Temple Law Quarterly. He served as a Captain in the United States Army (MPC). He is a member of the Philadelphia, Pennsylvania, American and International Bar Associations. He is a member of the Philadelphia Trial Lawyers Association, Pennsylvania Trial Lawyers Association and the Association of Trial Lawyers of America. He is admitted to the Supreme Court of Pennsylvania, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Middle District of Pennsylvania, the Third, Fourth, Fifth, Sixth, Seventh, Tenth and Eleventh Circuit Courts of Appeals and the United States Supreme Court. He has appeared pro hac vice in various federal and state courts throughout the United States. He has lectured on class actions, environmental, antitrust and tort litigation for the Pennsylvania Bar Institute, the Philadelphia Trial Lawyers Association, the Pennsylvania Trial Lawyers Association, The Association of Trial Lawyers of America, The Belli Seminars, the Philadelphia Bar Association, American Bar Association, the New York Law Journal Press, and the ABA-ALI London Presentations.

Mr. Levin is a past Chairman of the Commercial Litigation Section of the Association of Trial Lawyers of America and is co-chairman of the Antitrust Section of the Pennsylvania Trial Lawyers Association. He is a member of the Pennsylvania Trial Lawyers Consultation Committee, Class Action Section, a fellow of the Roscoe Pound Foundation and past Vice-Chairman of the Maritime Insurance Law Committee of the American Bar Association. He is also a fellow of the International Society of Barristers and chosen by his peers to be listed in Best Lawyers of America. He has been recognized as one of 500 leading lawyers in America by Law Dragon and The Legal 500 USA. U.S. News and World Report has designated Levin, Fishbein, Sedran & Berman as one of the top 22 national plaintiffs' firms in mass torts and complex litigation. In addition, he has been further recognized as one of the top 100 trial lawyers by The National Trial Lawyers Association. He was also named to the National Law Journal's Inaugural List of America's Elite Trial Lawyers. He also has an "av" rating in Martindale-Hubbell and is listed in Martindale-Hubbell's Register of Preeminent Lawyers.

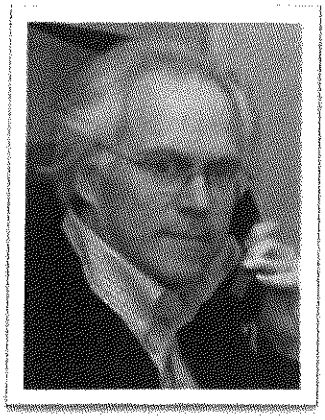
Mr. Levin was on the Executive Committee as well as various other committees and Lead Trial Counsel in the case of *In re: Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.), which was certified as a nationwide class action on behalf of all school districts. Mr. Levin was also on the Plaintiffs' Steering Committee in *In re: Copley Pharmaceutical, Inc., "Albuterol" Products Liability Litigation*, MDL 1013 (D. Wyoming); *In re: Norplant Contraceptive Products*

Liability Litigation, MDL 1038 (E.D. Tex.); and *In re: Telectronics Pacing Systems, Inc., Accufix Atrial "J" Lead Products Liability Litigation*, MDL 1057 (S.D. Ohio).

Mr. Levin was appointed by the Honorable Sam J. Pointer as a member of the Plaintiffs' Steering Committee in the *Silicone Gel Breast Implants Products Liability Litigation*, Master File No. CV-92-P-10000-S, MDL 926 (N.D. Ala.). The Honorable Louis L. Bechtle appointed Mr. Levin as Co-Lead Counsel of the Plaintiffs' Legal Committee and Liaison Counsel in *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.). Mr. Levin also served as Co-Chair of the Plaintiffs' Management Committee, Liaison Counsel, and Class Counsel in *In re: Diet Drugs Litigation*, MDL 1203 (E.D. Pa.). He was also a member of a four lawyer Executive Committee in *In re: Rezulin Products Liability Litigation,* MDL No. 1348 (S.D.N.Y.) and is a member of a seven-person Steering Committee in *In re: Propulsid Products Liability Litigation,* MDL No. 1355 (E.D. La.). He was Chair of the State Liaison Committee in *In re: Phenylpropanolamine (PPA) Products Liability Litigation*, MDL 1407 (W.D. Wash.); and is a member of the Plaintiffs' Steering Committee and Plaintiffs' Negotiating Committee in *In re: Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.) and the Court approved Medical Monitoring Committee in *In re: Human Tissue Products Liability Litigation*, MDL No. 1763 (D.N.J.). He is currently Plaintiffs' Lead Counsel, Class Counsel and Co-Chair of the Fee Committee in *In re: Chinese-Manufactured Drywall Product Liability Litigation,* MDL No. 2047 (E.D. La.). He was Plaintiffs' Liaison Counsel in *In re: CertainTeed Corp. Roofing Shingles Products Liability Litigation*, MDL No. 1817 (E.D. Pa.). He is a member of the Plaintiffs' Steering Committee in *In re: National Football League Players' Concussion Litigation*, MDL No. 2323 (E.D. Pa.) and was appointed as Subclass Counsel for Subclass 1 in the NFL Concussion Class Action Settlement. Mr. Levin is a member of the Plaintiffs' Steering Committee in *In re: Pool Products Distribution Market Antitrust Litigation*, MDL 2328 (E.D. La.); *In re: Testosterone Replacement Therapy Products Liability Litigation*, MDL 2545 (N.D. Ill.); *In re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL 2342 (E.D. Pa.); and *In re: Yasmin and Yaz Marketing, Sales Practices and Relevant Products Liability Litigation*, MDL 2100 (S.D. Ill.). He is a member of Plaintiffs' Executive Committee in *In re: Fresenius Granuflo/ Naturalyte Dialysate Products Liability Litigation*, MDL 2428 (D. Mass). Mr. Levin was appointed by the Honorable Carl J. Barbier to serve as Special Counsel to the Plaintiffs' Fee and Cost Committee in the BP Oil Spill Litigation, *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.).

Mr. Levin was also a member of the Trial and Discovery Committees in the *Exxon Valdez Oil Spill Litigation*, No. 89-095 (D. Alaska) In addition, Mr. Levin was Lead Counsel in the prosecution of individual fishing permit holders, native corporations, native villages, native claims and business claims.

HOWARD J. SEDRAN
Founding Member (1982 through 2017)



HOWARD J. SEDRAN was a founding member of the firm from 1982 through December, 2017. Effective January, 2018, Mr. Sedran became Of-Counsel to the firm. Mr. Sedran graduated cum laude from the University of Miami School of Law in 1976. He was a law clerk to United States District Court Judge, C. Clyde Atkins, of the Southern District of Florida from 1976-1977. He is a member of the Florida, District of Columbia and Pennsylvania bars and is admitted to practice in various federal district and appellate courts. From 1977 to 1981, he was an associate at the Washington, D.C. firm of Howrey & Simon which specializes in antitrust and complex litigation. During that period he worked on the following antitrust class actions: *In re: Uranium Antitrust Litigation*; *In re: Fine Paper Antitrust Litigation*; *Bogosian v. Gulf Oil Corporation*; *FTC v. Exxon, et al.*; and *In re: Petroleum Products Antitrust Litigation*.

In 1982, Mr. Sedran joined the firm and has continued to practice in the areas of environmental, securities, antitrust and other complex litigation. Mr. Sedran also has extensive trial experience. In the area of environmental law, Mr. Sedran was responsible for the first certified "Superfund" class action.

As a result of his work in an environmental case in Missouri, Mr. Sedran was nominated to receive the Missouri Bar Foundation's outstanding young trial lawyer's award, the Lon Hocker Award.

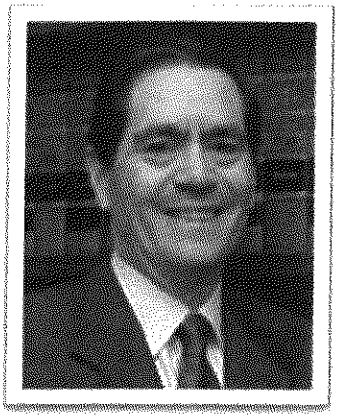
Mr. Sedran has also actively participated in the following actions: *In re: Dun & Bradstreet Credit Services Customer Litigation*, Civil Action Nos. C-1-89-026, C-1-89-051, 89-2245, 89-3994, 89-408 (S.D. Ohio); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.); *Harold A. Andre, et al. v. Syntex Agribusiness, Inc., et al.*, Cause No. 832-05432 (Cir. Ct. of St. Louis, Mo.); *In re: Petro-Lewis Securities Litigation*, No. 84-C-326 (D. Colo.); *In re: North Atlantic Air Travel Antitrust Litigation*, No. 84-1013 (D.D.C.); *Jaroslawicz v. Engelhard Corp.*, No. 84-3641 (D. N.J.); *Gentry v. C & D Oil Co.*, 102 F.R.D. 490 (W.D. Ark. 1984); *In re: EPIC Limited Partnership Securities Litigation*, Nos. 85-5036, 85-5059 (E.D. Pa.); *Rowther v. Merrill Lynch, et al.*, No. 85-Civ-3146 (S.D.N.Y.); *In re: Hops Antitrust Litigation*, No. 84-4112 (E.D. Pa.); *In re: Rope Antitrust Litigation*, No. 85-0218 (M.D. Pa.); *In re: Asbestos School Litigation*, No. 83-0268 (E.D. Pa.); *In re: Catfish Antitrust Litigation*, MDL 928 (Plaintiffs' Executive Committee); *In re: Carbon Dioxide Antitrust Litigation*, MDL 940 (N.D. Miss.) (Plaintiffs' Executive Committee); *In re: Alcolac, Inc. Litigation*, No. CV490-261 (Marshall, Mo.); *In re: Clozapine Antitrust Litigation*, MDL 874 (N.D. Ill.) (Co-Lead Counsel); *In re: Infant Formula Antitrust Litigation*, MDL 878 (N.D. Fla.); *Cumberland Farms, Inc. v. Browning-Ferris Industries, Inc.*, Civil Action No. 87-3713 (E.D. Pa.); *In re: Airlines Antitrust Litigation*, MDL 861 (N.D. Ga.); *Lazy Oil, Inc. et al. v. Witco Corporation,*

et al., C.A. No. 94-110E (W.D. Pa.) (Plaintiffs' Co-Lead Counsel); *In re: Nasdaq Market-Makers Antitrust Litigation*, MDL 1023 (S.D.N.Y.) (Co-Chair Discovery); and *In re: Travel Agency Commission Antitrust Litigation*, Master File No. 4-95-107 (D. Minn.) (Co-Chair Discovery); *Erie Forge and Steel, Inc. v. Cyprus Minerals Co.*, C.A. No. 94-0404 (W.D. Pa.) (Plaintiffs' Executive Committee); *In re: Commercial Explosives Antitrust Litigation*, MDL 1093 (Plaintiffs' Co-Lead Counsel); *In re: Brand Name Prescription Drug Antitrust Litigation*, MDL 997; *In re: High Fructose Corn Syrup Antitrust Litigation*, MDL 1087; *In re: Carpet Antitrust Litigation*, MDL 1075; *In re: Graphite Electrodes Antitrust Litigation*, C.A. No 97-CV-4182 (E.D. Pa.) (Plaintiffs' Co-Lead Counsel); *In re: Flat Glass Antitrust Litigation*, MDL 1200 (Discovery Co-Chair); *In re: Commercial Tissue Products Antitrust Litigation*, MDL 1189; *In re: Thermal Fax Antitrust Litigation*, C.A. No. 96-C-0959 (E.D. Wisc.); *In re: Lysine Indirect Purchaser Antitrust Litigation*, (D. Minn.); *In re: Citric Acid Indirect Purchaser Antitrust Litigation*, C.A. No. 96-CV-009729 (Cir. Ct. Wisc.). Most recently, Mr. Sedran serves as one of the court-appointed Co-Lead Counsel in *In re: Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775 (E.D. N.Y.).

In *Lazy Oil Co. v. Witco Corp., et. al., supra*, the District Court made the following comments concerning the work of Co-Lead Counsel:

> [t]he Court notes that the class was represented by very competent attorneys of national repute as specialists in the area of complex litigation. As such Class Counsel brought considerable resources to the Plaintiffs' cause. The Court has had the opportunity to observe Class counsel first-hand during the course of this litigation and finds that these attorneys provided excellent representation to the Class. The Court specifically notes that, at every phase of this litigation, Class Counsel demonstrated professionalism, preparedness and diligence in pursuing their cause.

LAURENCE S. BERMAN
Founding Member



LAURENCE S. BERMAN, a founding member of the firm, was born in Philadelphia, Pennsylvania on January 17, 1953. He was admitted to the bar in 1977. He is admitted to practice before the U.S. Courts of Appeals for the Third, Fourth and Seventh Circuits; the U.S. District Court, Eastern District of Pennsylvania; and the Bar of Pennsylvania. He is a graduate of Temple University (B.B.A., magna cum laude, 1974, J.D. 1977). He is a member of the Beta Gamma Sigma Honor Society. Mr. Berman was the law clerk to the Honorable Charles R. Weiner, U.S. District Court for the Eastern District of Pennsylvania 1978-1980. Member: Philadelphia, Pennsylvania and American Bar Associations. In 1982, Mr. Berman joined the law firm of Levin & Fishbein as an associate and became a partner in 1985 when the firm name was changed to Levin, Fishbein, Sedran & Berman.

Mr. Berman has had extensive experience in litigating and managing complex litigation. In the early 1980's he became a member of the discovery, law and trial committees of *In re: Asbestos School Litigation,* Master File No. 83-0268 (E.D. Pa.). As a member of those committees, he drafted discovery and legal briefs that lead to the successful resolution of the case on behalf of a nationwide class of schools seeking recovery of damages for the costs and expenses they were required to expend to assess the presence of asbestos in school buildings and to remediate under newly enacted rules and regulations of the Environmental Protection Agency, promulgated in the 1970's. In connection with that litigation, he was one of the architects of approaching class certification issues for a nationwide class by the use of a "50" state analysis of the law, in order to demonstrate the similarity of laws and therefore the manageability of a nationwide class action. The "50" state approach has been followed in other cases.

During the early stages of his career, he litigated numerous environmental class/mass tort cases to successful conclusions. He successfully litigated a lead contamination case for the residents of a community in the Port Richmond area of Philadelphia, where he drafted the legal briefs and presented the oral argument to obtain class certification of a property damage and medical monitoring class against NL Industries and Anzon. That litigation produced a multi-million-dollar recovery for the residents in the class area. *Ursula Stiglich Wagner, et al. v. Anzon, Inc., et al.*, No. 4420, June Term, 1987 (C.C.P. Phila. Cty.)

Similarly, he represented homeowners located near Ashland, Kentucky for environmental pollution damage. This case involved representing approximately 700 individual clients for personal injury and medical monitoring relief that also resulted in a multi-million-dollar recovery for his clients.

Beginning in the 1990's Mr. Berman began his representation of victims of the Three Mile Island accident. The firm represented approximately 2,000 plaintiffs in that matter, and Mr.

Berman was responsible for the legal briefing and experts in the case, along with addressing *Daubert* issues. The presiding Court (Middle District of Pennsylvania) determined to conduct extensive *Daubert* hearings in Three Mile Island, resulting in approximately ten full weeks of in court live hearings, and thousands of pages of legal briefing. Ultimately the trial court determined that several of the expert witnesses offered by the plaintiffs did not meet the *Daubert* requirements, and an appeal was taken to the Third Circuit Court of Appeals, where Mr. Berman both briefed and argued the issues. The Third Circuit affirmed parts of the decision and remanded for further proceedings by the trial court. His representation of clients in the Three Mile Island litigation spanned well over a decade.

In 1989, Mr. Berman represented approximately 1,000 plaintiffs who suffered damages as a result of the Exxon Valdez oil spill. In that role, he managed the claims of each of his firm's clients and worked in the development of their expert evidence and claim materials. As a subset of that litigation, he handled the claims of the Native Opt-Out Settlement Class. This representation also spanned well over a decade.

Mr. Berman began his role in litigating *In re: Diet Drugs*, MDL 1203 (E.D. Pa.) in 1997 at the outset of that litigation. The *Diet Drugs* case is still active to this date. Mr. Berman's firm was appointed as Co-Lead Counsel, Co-Class Counsel and Liaison Counsel. The massive size of the *Diet Drugs* case required the commitment of three of the named partners to the case, Arnold Levin, Michael Fishbein and Mr. Berman, as well as a substantial commitment by partner Fred Longer. While Messrs. Levin and Fishbein were formally named as Co-Class counsel to the case, Mr. Berman had a *de facto* role as Co-Class Counsel and Co-Lead counsel for the case. Mr. Berman briefed many legal issues, argued issues in court, participated in discovery, appeared frequently before the Special Discovery Master, helped negotiate the settlement(s) and helped in the management of the oversight of both the AHP Settlement Trust that was created to oversee the Settlement and the Seventh Amendment Fund Administrator that was created to oversee the Seventh Amendment aspect of the Settlement. He also managed the claims of the firm's individual clients.

Although the *Diet Drugs* case remains active today, and still occupies some of Mr. Berman's time, over the recent years he became active in various other pharmaceutical cases. In particular, beginning in about 2010, he became active in *In re: Yaz/Yasmin/Ocella*, MDL 2100 (S. D. Ill.) where he was appointed as a member of the discovery and legal briefing committees. Mr. Berman worked with his partner Michael Weinkowitz as Co-Liaison Counsel in the parallel state court litigation pending in the Court of Common Pleas of Philadelphia.

As the *Yaz* case began to wind down, Mr. Berman became active in litigation Tylenol cases where he was appointed and remains currently Plaintiffs' Co-Lead and Liaison Counsel. *In re: Tylenol*, MDL 2436, (E.D. Pa.). As Plaintiffs' Co-Lead and Liaison Counsel, Mr. Berman has appeared in Court for the Plaintiffs at virtually all of the monthly status conferences, drafted numerous briefs, engaged in discovery, drafted numerous case management orders that were entered by the Court, argued motions and otherwise managed the case on behalf of the Plaintiffs.

Mr. Berman is also a *de facto* member of the executive committee of *In re: Granuflo*, MDL MDL2428 (D. Mass.). Mr. Berman's partner Arnold Levin was formally appointed to that case's Executive Committee for the Plaintiffs and Mr. Berman was appointed as a Co-Chair of the law and briefing committee. He has acted as a *de facto* member of the Executive Committee for the firm. In his role on the Law and Briefing Committee, he drafted numerous briefs for the case, including *Daubert* briefs, drafted various case management orders that were entered by the Court, and assisted in the negotiation of the global settlement including the drafting of the settlement documents and the allocation plan.

In *In re: Fosamax*, MDL 2243 (D.N.J.), Mr. Berman spearheaded the plaintiffs' position relating to privilege log issues as well as preemption and *in limine* issues raised in the bellwether case. Most recently, Mr. Berman was appointed to the Plaintiffs' Steering Committee by the Honorable Freda L. Wolfson in *In re: Johnson & Johnson Talcum Powder Products*, MDL 2738 (D. N.J.).

Mr. Berman has lectured about mass tort matters. He lectured about the Tylenol case at several seminars and is a member of the American Association of Justice (AAJ) litigation group for the case. He is also a member of various other AAJ litigation groups involving pharmaceutical products. Mr. Berman has been a frequent speaker for the Pennsylvania Bar Institute, Mealy's Publications and Harris Martin. His lectures have been accredited for providing CLE credit to the attendees. Mr. Berman has an A.V. Peer Review rating by Martindale-Hubbell and is an AAJ National College of Advocacy Advocate. He is also a member of The National Trial Lawyers, as well as a member of the American, Pennsylvania and Philadelphia Bar Associations and has been recognized as a Super Lawyer. His published works include "Class Actions in State and Federal Courts," Pennsylvania Bar Institute (Continuing Legal Education), November, 1997; "New Pennsylvania Rule of Civil Procedure 207.1," Pennsylvania Bar Institute (Continuing Legal Education), November, 2001, and membership on the Board of Editors, "Fen-Phen Litigation Strategist," Leader Publications, (1998).

FREDERICK S. LONGER
Member

FREDERICK S. LONGER, a member of the firm, specializes in representing individuals who have been harmed by dangerous drugs, medical devices, other defective products and antitrust violations. Mr. Longer has extensive experience in prosecuting individual, complex and class action litigations in both state and federal courts across the country. Mr. Longer has been involved in the resolution of several of the largest settlements involving personal injuries including the $6.75 billion settlement involving Diet Drugs and the $4.85 billion settlement involving Vioxx. Mr. Longer was a member of the negotiating counsel responsible for the settlements in the *Chinese Drywall* litigation involving various suppliers and manufacturers of Chinese Drywall valued in excess of $1 billion. Mr. Longer has a wealth of experience in mass torts and has frequently been the chairman or member of the Law and Briefing Committee in numerous multi-district litigations:

- *In re Zantac Products Liability Litigation*, MDL No. 2924 (S.D. Fla.);
- *In re Aqueous Film-Forming Foams Prod. Liab. Litigation,* MDL No. 2873 (D. S.C.);
- *In re Xarelto Products Liability Litigation,* MDL No. 2592 (E.D. La.);
- *In re: Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.); *In re: Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.);
- *In re: Vioxx Products Liability Litigation*, MDL 1657 (E.D. La.);
- *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.); and *In re: Diet Drug Litigation*, MDL 1203 (E.D. Pa.).

He is a court-appointed member of the Plaintiffs' Steering Committee in *In re: Mirena Products Liability Litigation*, MDL 2434 (S.D.N.Y.); *In re: Xarelto Products Liability Litigation*, MDL No. 2592 (E.D. La.); and *In re Zantac Products Liability Litigation*, MDL No. 2924 (S.D. Fla.). Mr. Longer also assisted Co-Lead Counsel and Subclass Counsel with negotiating the class settlement in *In re: National Football League Players' Concussion Litigation*, MDL No. 2323 (E.D. Pa.).

Mr. Longer has substantial trial experience and is one of the few lawyers in the country to have tried to verdict a client's claim involving Baycol in Philadelphia County Court of Common Pleas.

Mr. Longer, originally from Philadelphia, Pennsylvania, completed his undergraduate work at Carnegie Mellon University. He then attended the University Pittsburgh School of Law and was a Notes and Comments Editor for the University of Pittsburgh Law Review. Mr. Longer practiced for 3 years in Allegheny County with the law firm of Berger, Kapetan, Malakoff & Myers

on complex litigation and civil rights matters, including *Kelly v. County of Allegheny*, No. 6D 84-17962 (C.P. Allegheny County, PA). Thereafter, Mr. Longer joined the firm and is now a member in the firm.

Mr. Longer is a frequent lecturer and has presented numerous seminars on various legal topics for professional groups. Some of Mr. Longer's speaking engagements include: *COVID-19 Business Interruption Litigation - MDL and Outside Influences, Harris Martin (May 14, 2020); Impact of Ascertainability Consideration son Rule 23(b)(3), American Association for Justice (December 6, 2018); Plaintiff Only Consumer Warranty Class Action Litigation Seminar*, American Association for Justice Education and the National Association of Consumer Advocate (June 3-4, 2014); *"No Injury" and "Overbroad" Class Actions After Comcast, Glazer and Butler: Implications for Certification-Navigating Complex Issues of Overbreadth and Damages in Consumer Product Cases*, Strafford Webinar (April 1, 2014); *Service of Process in China*, ABA Annual Conference (April 18-20, 2012); Chinese Drywall Litigation Conference, Harris Martin (October 20-21, 2011); *Current Issues in Multi-district Litigation Practice*, Harris Martin (September 26, 2011); *FDA Preemption: Is this the end?*, Mass Torts Made Perfect (May 2008). He has authored several articles including, *The Federal Judiciary's Super Magnet,* TRIAL (July 2009). He also contributed to Herbert J. Stern & Stephen A. Saltzburg, TRYING CASES TO WIN: ANATOMY OF A TRIAL (Aspen 1999).

Mr. Longer is a member of the American Bar Association, American Association for Justice, Pennsylvania and Philadelphia Association for Justice, the Pennsylvania Bar Association and the Philadelphia Bar Association. He is an active member of the Historical Society for the Eastern District of Pennsylvania. He is admitted to practice before the Supreme Court of Pennsylvania and the Supreme Court of New Jersey, the United States Supreme Court; the United States Courts of Appeals for the Second, Third, Fourth, Fifth, Seventh and Ninth Circuits, and the United States District Courts for the Western and Eastern Districts of Pennsylvania, United States District Court Northern District of New York; United States District Court for the Western District of New York; United States District Court of New Jersey; United States District Court for District of Arizona; and the United States District Court District of Nebraska.

Mr. Longer has received Martindale-Hubbell's highest rating (AV) as a pre-eminent lawyer for his legal ability and ethical standards. He has also been recognized by his peers as a Super Lawyer since 2008.

DANIEL C. LEVIN
Member

DANIEL C. LEVIN is a Philadelphia native who practices in the areas of Medical Malpractice, Personal Injury, Class Actions, Products Liability, Environmental Liability and Mass Torts.

Daniel Levin is a member of the firm of Levin Sedran & Berman. He is a graduate of University of Pittsburgh (B.A. 1994) and Oklahoma City University School of Law (J.D. 1997). He is admitted to practice before the Supreme Court of Pennsylvania, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Western District of Pennsylvania and the United States Court of Appeals for the Third Circuit. He is a member of the American, Pennsylvania and Philadelphia County Bar Associations, as well as the American and Pennsylvania Association for Justice. He is President of the Philadelphia Trial Lawyers Association. Mr. Levin holds an AV rating from Martindale Hubbell and his peers recognize him as a Super Lawyer.

Daniel Levin is appointed to the Steering Committee in *Troyan v. Samsung Electronics America, Inc. et al*; No. 5:17-cv-01096 (W.D. Ok); *Delaware County, Pennsylvania et al v. Purdue Pharma L.P. et al*, No. CV-2017-008095 (CCP Del. Cty); and *In Re: Valsartan Losartan And Irbesartan Products Liability Litigation;* 1:19-md-02875-RBK-JS (D.NJ).

Daniel Levin has been part of the litigation team in *In re Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); *In re Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.); *Galanti v. The Goodyear Tire and Rubber Co.*, Civil Action No: 03-209 (D.N.J.); *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La. 2011); *Cobb v. BSH Home Appliance Corporation, et al*, C.D.Ca. Case No. SACV10-711 DOC (C.D.Cal.); *In Re Human Tissue Products Liability Litigation*, MDL No. 1763 (D.N.J.); *In Re: Chinese Drywall Products Liability Litigation*, MDL 2047 (E.D.La.); *National Football League Players' Concussion Injury Litigation;* No. 2:12-md-02323-AB (E.D.Pa.)*; In Re: Rezulin Products Liability Litigation*, 00 Civ. 2843 (S.D.N.Y.); *In Re: Apple Inc. Device Performance Litigation*; No. 5:18-md-02827 (N.D.Cal.); *In Re: Intel Corp. CPU Marketing, Sales Practices And Products Liability Litigation*; No. 3:18-md-2828 (D.Or); and *In Re: Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*; MDL No. 2:18-mn-2873-RMG.

Daniel Levin has served as Class Counsel in the following automobile defect cases: *Henderson, et al v. Volvo Cars of North America, LLC, et al,* No. 09-cv-4146 (D.N.J)(class action brought on behalf of individuals who purchased Volvo vehicles with defective transmissions) and *Grant, et al v. Bridgestone/Firestone, Inc. and Ford Motor Company*, September Term, 2000, No. 003668 (C.C.P. Phila.)(involving the Ford Explorer debate). Mr. Levin has also served as class counsel in the following cases: *Kowa v. The Auto Club Group*, No. 11-7476 (N.D.Ill.); *Kurian v. County of Lancaster*, 2:07-cv-03482 (E.D.Pa.); *Gwaizdowski v.*

County of Chester, Civil Action No. 08-CV-4463 (E.D. Pa. 2012); *Meneghin, The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (Superior Court, Ocean County, NJ 2012); *Johnson, et al v. Walsh, et al*, April Term 2008, No. 2012 (C.P.Phila); *Muscara v. Nationwide,* October Term 2000, Civil Action No.: 001557 (C.P.Phila); and *Wong v. First Union*, May Term 2003, Civil Action No. 001173 (C.P.Phila); *Harry Delandro, et al v. County of Allegheny, et al*, Civil Action No. 2:06-CV-927 (W.D.Pa.); *Nakisha Boone, et al v. City of Philadelphia, et al*, Civil Action No. 05-CV-1851 (E.D.Pa.); *Helmer, et al v. the Goodyear Tire & Rubber Co.,* D.Co. Civil Action No. 1:12-00685-RBJ (D.Colo.); *Schappell v. State Farm Mutual Automobile Insurance Company,* No. 1331 S2001 (C.P. Dauphin); *Ortiz v. Complete Healthcare Resources, Inc., et al,* Montgomery CCP No. 12-12609; *Butterline, et al v. the Bank of New York Mellon Trust Company, National Association, et al*, No. 15-01429 (E.D.Pa.); *Martinez v. Capstone Restaurant Group, LLC et al*, No. 1:20-cv-01017 (D.Col.); *Mullins v. Kroger, et al*, No. 1:19-cv-00964 (S.D. Ohio); *Gallagher v. Charter Foods, Inc.*, No. 2:20-cv-00049 (W.D.Pa.); and *McGhee et al v. Toms King, LLC*, No. 2:19-cv-01470 (W.D.Pa.).

Along with Daniel Levin's class action and mass tort experience, Mr. Levin also has extensive experience in individual litigation where he handles and prosecutes claims on behalf of railroad workers involved in workplace accidents ("FELA"). Daniel Levin has also successfully prosecuted complex individual actions on behalf of individuals involved in products liability, medical malpractice, automobile accidents, drug and medical device actions.

CHARLES E. SCHAFFER
Member

CHARLES E. SCHAFFER, a member of the firm, born in Philadelphia, Pennsylvania, is a graduate of Villanova University, (B.S., *Magna Cum Laude*, 1989) and Widener University School of Law (J.D. 1995) and Temple University School of Law (LL.M. in Trial Advocacy, 1998). Mr. Schaffer served as a Corporal in the United States Marine Corps (USMC). He is admitted to practice before the Supreme Court of Pennsylvania, the Supreme Court of New Jersey, the United States District Court for the Eastern District of Pennsylvania; Western District of Pennsylvania; Middle District of Pennsylvania; Northern District of Illinois; Central District of Illinois; Northern District of New York; District of Colorado; Third Circuit Court of Appeals; and the Sixth Circuit Court of Appeals. He is also a member of the American Bar Association, Association of Trial Attorneys of America, Pennsylvania Association for Justice, Philadelphia Trial Lawyers Association, and the National Trial Lawyers Association.

With over 20 years of experience Mr. Schaffer is a nationally-recognized leader in complex litigation, having been appointed as Lead or Co-Lead counsel or as a PSC member on a regular basis by federal courts across the country. He is widely recognized for his ability to lead very complex litigation and his expertise in dealing with discovery, experts, damage models, and national and multi-state classes.

Mr. Schaffer's appointments in MDL litigation include *inter alia*: *In re Aqueous Film-Forming Foams Products Liability Litigation*, MDL 2873 (D.S.C) (Plaintiffs' Steering Committee *); In re Hill's Pet Nutrition, Inc. Dog Food Products Liability Litigation*, MDL 2887 (D. Kan.) (Plaintiffs' Executive Committee); *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.) (Appointed to Plaintiffs' Executive Committee to represent the interests of governmental entities); *In re: Apple Inc. Device Performance Litigation,* MDL 2827 (N.D. Cal.) (Plaintiffs' Executive Committee)*; In re: Wells Fargo Insurance Marketing Sales Practices Litigation,* MDL No. 2797 (C.D. Cal.) (Plaintiffs' Executive Committee); *In re: JP Morgan Modification Litigation* MDL No.: 2290 (D. Mass.) (Plaintiffs' Co-Lead Counsel); *In re: IKO Roofing Products Liability Litigation*, MDL No.: 2104 (C.D. Ill.) (Plaintiffs' Co-lead Counsel); *In re: HardiePlank Fiber Cement Siding Litigation*, MDL No.: 2359 (D. Minn.) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill.) (Plaintiffs' Executive Committee); *In re: Azek Decking Sales Practice Litigation*, Civil Action No.: 12-6627 (D.N.J.) (Plaintiffs' Executive Committee*); In re: Pella Corporation Architect and Designer Series Windows Marketing Sales Practices and Product Liability Litigation*, MDL No.: 2514 (D.S.C.) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No.: 2223 (N.D. Ill.) (Plaintiffs' Steering Committee); *In re: CitiMortgage, Inc. Home Affordable Modification Program ("HAMP"),* MDL No.: 2274 (C.D. Cal.) (Plaintiffs' Executive Committee); *In re: Carrier IQ Consumer Privacy*

Litigation, MDL No.: 2330 (N.D. Cal.) (Plaintiffs' Executive Committee); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D.N.H.) (Plaintiffs' Executive Committee); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL No.: 2382 (E.D. Mo.) (Plaintiffs' Executive Committee); and *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D.N.H.) (Plaintiffs' Executive Committee).

Mr. Schaffer has also served in leadership positions in class actions which were not consolidated in an MDL. *E.g. In re Deva Concepts Products Liability Litigation,* Civil Action No. 1:20-CV-01234 (S.D.N.Y.) (Plaintiffs' Co-Lead Counsel); *Pollard v. Remington Arms Company,* Case No. 4:13-cv-00086-ODS (W.D. Mo.) (Co-Lead Counsel); *Davis v. SOH Distribution Company, Inc.*, Case No. 09-CV-237 (M.D. Pa.) (Plaintiffs' Co-Lead Counsel); *Gwaizdowski v. County of Chester*, Civil Action No. 08-CV-4463 (E.D. Pa.); *Meneghin, v. The Exxon Mobile Corporation, et al.,* Civil Action No. OCN-002697-07 (N.J. Super. Ct., Ocean County) (Plaintiffs' Co-Lead Counsel); *Johnson, et al. v. Walsh, et al*, PCCP April Term, 2008, No. 2012 (Phila. Com. Pl. 2008) (Plaintiffs' Co-Lead Counsel); *Gulbankian et. al. v. MW Manufacturers, Inc.,* Case No. 1:10-cv-10392-RWZ (D. Mass.) (Plaintiffs' Discovery and Settlement Committees); *Eliason, et al. v. Gentek Building Products, Inc., et al.*, Case No. 1:10-cv-2093 (N.D. Ohio) (Plaintiffs' Executive Committee); *Smith, et al. v. Volkswagon Group of America, Inc.*, Case No. 3:13-cv-00370-SMY-PMF (S.D. Ill.) (Plaintiffs' Discovery and Settlement Committees); *Melillo, et al. v. Building Products of Canada Corp.*, Civil Action No. 1:12-CV-00016-JGM (D. Vt.); *Vought, et al., v. Bank of America, et al.*, Civil Action No. 10-CV-2052 (C.D. Ill.) (Plaintiffs' Discovery and Settlement Committees); *United Desert Charities, et al. v. Sloan Valve, et al.*, Case No. 12-cv-06878 (C.D. Cal.) (Plaintiffs' Executive Committee); *Kowa, et. el. v. The Auto Club Group AKA AAA* Chicago, Case No. 1:11-cv-07476 (N.D. Ill.); *Weller v. HSBC Mortgage Services, Inc.,* No. 13-cv-00185 (D. Colo.); *Gilmour v. HSBC Bank, N.A.,* No. 13-cv-05896 (S.D.N.Y); *Smith v. SunTrust Mortgage, Inc.,* No. SACH3-739-AG (C.D. Cal.); *George v. Uponor, Inc.*, Civil No. 12-249 ADM/JJK (D. Minn.); *Yarbrough v. Martin's Famous Pastry Shoppe, Inc.*, Civil No. 11-cv-02144-JEJ (M.D. Pa.) (Plaintiffs' Co-Lead Counsel): *Minor v. Congoleum Corporation*, Civil Action No.: 3:13-cv-07727-JAP-LHG (D.N.J.) (Plaintiffs' Co-Lead Counsel); and *In re: MF Global Holdings, Ltd. Investment Litigation*, Case No. 12-MD-2338 (S.D.NY).

In addition, Mr. Schaffer has served as member of litigation teams where Levin Sedran & Berman was appointed to leadership positions in, *inter alia*. *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.); *In re: Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.); *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); and *In re: Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.).

Currently, Mr. Schaffer is serving as co-lead counsel in *In re Deva Concepts Products Liability Litigation*, Civil Action No. 1:20-CV-01234 (S.D.N.Y.) ; a member of Plaintiffs' Steering Committee in *In re Aqueous Film-Forming Foams Products Liability Litigation*, MDL 2873 (D. S.C.), a member of Plaintiffs" Steering Committee in *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation,* MDL 2838 (D. Or.), a member of Plaintiffs' Executive Committee in: *In re: Apple Inc. Device Performance Litigation,* MDL 2827 (N.D. Cal.);; a

member of Plaintiffs' Steering Committee in *Herrera, et el. v. Wells Fargo,* Civil No. 8:18-cv-00332 (C.D. Cal.); a member of Plaintiffs' Executive Committee in *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation,* MDL 2382 (E.D. Mo.); a member of the Plaintiffs' Executive Committee in *Gold v. Lumber Liquidators, Inc.*, No. 3:14-cv-05373-TEH (N.D. Cal.) and is actively participating in a number of other class actions and mass tort actions across the United States in leadership positions.

Mr. Schaffer regularly prosecutes multi-state consumer class actions involving technically complex issues and has one of the best track records in the country when it comes to developing practical damages methodologies, obtaining prompt relief for consumers victimized by defective products and unfair or deceptive practices, as well as working cooperatively with others. Through smart, efficient, strategy and tailored creative problem-solving Mr. Schaffer and Levin Sedran & Berman have recovered billions of dollars for victims of defective products, environmental disasters and unfair or deceptive practices.

In this regard, Mr. Schaffer and his firm served as liaison counsel in *In re: CertainTeed Corporation Roofing Shingle Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.). That case involved claims on behalf of $1.8 million homeowners who unknowingly purchased roofing shingles that were defectively designed and manufactured thereby causing premature and unreasonable deterioration, cracking, blistering, crumbling and leaking. Mr. Schaffer was instrumental in bringing about a settlement which was approved by the court and valued at between $687 to $815 million dollars. In addition, Mr. Schaffer served as Plaintiffs' Discovery and Settlement Committees in *In re: CertainTeed Siding Litigation*, MDL No.: 2270 (E.D. Pa.). That case involved claims on behalf of tens of thousands of homeowners who unknowingly purchased fiber cement siding that was defectively designed, manufactured thereby causing premature and unreasonable deterioration, cracking and water protrusion. Mr. Schaffer was instrumental in bringing about a common fund settlement in the amount of $103.9 million dollars which was approved by the court.

Mr. Schaffer also served as lead counsel in *In re: JP Morgan Modification Litigation*, MDL No.: 2290 (D. Mass.). This MDL involved a class action filed across the United States all of which arose out of JP Morgan Chase's implementation of the Home Affordable Modification Program, one of the main programs designed to assist struggling homeowners in the economic downturn. In exchange for receiving billions of dollars in funds, JP Morgan Chase and many other big banks agreed to offer homeowners loan modifications pursuant to the Federal Guidelines. Numerous individuals sued JP Morgan Chase and certain other related companies claiming that Chase failed to offer them a timely and proper permanent mortgage modification after they completed trial period plans under HAMP or Chase's home own equivalent programs. Mr. Schaffer was instrumental in every phase of the litigation including settlement which culminated in a nationwide settlement under a consolidated litigation which provided a broad range of benefits to tens of thousands of homeowners. The overall value of the settlement to class members which was determined to be $506 million dollars by a former treasury department official who worked on the initial management of the Government's program.

More recently, Mr. Schaffer served as a member of the Plaintiffs' Executive Committee in *In re Wells Fargo Insurance Marketing Sales Practice Litigation,* MDL No. 2797 (C.D. Cal.) which culminated in a national settlement in the amount of $423,500,000. This lawsuit alleged that Defendants unlawfully placed duplicative, unnecessary, and overpriced collateral protection insurance policies on Wells Fargo customer's automobile loan accounts. Plaintiffs alleged that as a result of Defendants' CPI placements, borrowers suffered financial harm, including wrongful charges, fees, costs, and credit damage. The settlement allowed borrowers to recoup these overpayments. Mr. Schaffer also served as lead counsel in *Pollard v, Remington Pollard v. Remington Arms Company,* Case No. 4:13-cv-00086-ODS (W.D. Mo.). That case involved claims on behalf of over one million consumers who purchased firearms equipped with a defective fire control mechanism which would allow the firearm to discharge without pulling the trigger and placing the user of the firearm as well as bystanders at a grave risk of injury and even death. Mr. Schaffer was instrumental in negotiating a nation-wide class action settlement which was approved by the district court and affirmed by the Eight Circuit Court of Appeals. The settlement allowed owners of the firearms with the defective triggers to have their trigger mechanisms retrofitted with a non-defective trigger. The district court valued the settlement to be at least $97,000,000. This settlement not only allowed the firearm owners to get the benefit of their bargain by having their guns repaired, but, it also resulted in dangerous firearms being fixed and thereby preventing accidental discharges which could injure or kill the user and/or innocent bystander.

Mr. Schaffer and Levin Sedran & Berman has also handled technically and technologically complex issues representing victims harmed by drugs, defective products, unfair trade practices, data breaches, privacy security breaches and other complex cases involving computers, phones, devices and source code. *See e.g., In re: Diet Drug Product Liability Litigation*, MDL No.: 1203 (E.D. Pa.); *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No.: 2047 (E.D. La.); *In re: The Vioxx Product Liability Litigation*, MDL No.: 1657 (E.D. La.); *In re: CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.), *In re: CertainTeed Fiber Cement Siding Litigation,* MDL No: 2270 (E.D. Pa.), *Pollard v. Remington Arms Company,* Case No. 4:13-CV-00086-ODS (W.D. Mo.), *In re: Carrier IQ, Inc., Consumer Privacy Litigation, C.A.,* No. 12-md-1330-EMC (N.D. Cal.); *Bryd v. Arron's Inc., C.A. No. 11-101* (W.D. Pa.); *In re: Apple Inc. Device Performance Litigation,* MDL 2827 (N.D. Cal.) and *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation,* MDL 2828 (D. Or.).

Levin Sedran& Berman is Lead Counsel in *In re: Chinese-Manufactured Drywall Product Liability Litigation,* MDL No. 2047 (E.D. La.). Against tremendous odds and at great effort and expense, Levin Sedran along with Liaison Counsel and members of the Plaintiffs' Steering Committee, dedicated themselves for over ten years to prosecuting claims on behalf of class(es) of thousands of homeowners who had defective Chinese Drywall installed in their homes. Levin Sedran's leadership in developing innovative pleadings involving "Omni Complaints", strategic discovery, and rapid bellwether trials led to a series of inter-related settlements involving various suppliers, builders, installers, insurers, and manufacturers of Chinese Drywall valued at more than $1 Billion. Mr. Schaffer worked in conjunction with the Plaintiffs' Expert Committee to develop experts to provide the requisite foundation for their defect, causation and damages opinions. This

evidence was instrumental in bringing about plaintiff verdicts in the "bellwether" trial (*Hernandez v. Knauf*, 2010 WL 1710434 (E.D. La. April 27, 2010)) which contributed to the foundation for the inter-related settlements described above. In addition, Mr. Schaffer oversaw the inspection of plaintiffs' homes in Virginia by the defendants' experts and worked with plaintiffs' experts to challenge defendants' experts' opinion that Chinese Drywall could be detected with the use of an XRF handheld measuring device. As a result, plaintiffs filed a Daubert motion and were able to preclude defendant's experts from offering such an opinion. Though the inter-related settlements described above culminated with Knauf, a German company with Chinese manufacturing subsidiaries, the remaining Chinese manufacturing defendants continue to dispute personal jurisdiction and raise other defenses to liability and damages. However, Levin Sedran, continues to spearhead the prosecution of plaintiffs' claims by overseeing the litigation as plaintiffs begin to prepare to try the individual cases which were remanded back to their home districts. These tireless efforts reflect the dedication Levin Sedran & Berman attorneys, like Mr. Schaffer apply to every case.

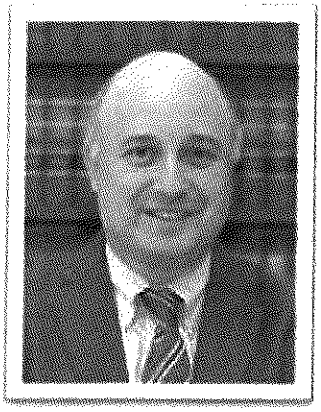
In addition to representing consumers, Mr. Schaffer has also represented victims of pollution, contamination and other toxic exposures. *Meneghin, v. The Exxon Mobile Corporation, et al.,* Civil Action No. OCN-002697-07 (N.J. Super. Ct., Ocean County) (Plaintiffs' Co-lead Counsel); *Johnson, et al. v. Walsh, et al*, PCCP April Term, 2008, No. 2012 (Phila. Com. Pl.) (Plaintiffs' Co-Lead Counsel). As lead counsel in *Meneghin v. Exxon Mobil Corporation, et. al.,* Mr. Schaffer successfully opposed Exxon Mobil's *Daubert* challenges to Plaintiffs' liability and damage experts and obtained certification of a class of property owners whose properties were contaminated with constituents from gasoline (benzene). The contamination was a result of a discharge of gasoline from underground storage tanks which led to ground water contamination and contamination of the properties. Thereafter, Mr. Schaffer negotiated a multi-million-dollar class action settlement on behalf of all property owners in the vicinity of the Exxon Mobil gas station. This was the first class-action settlement for property contamination entered into by Exxon Mobil.

These cases are just a few examples of the complex class-action cases that Mr. Schaffer along with Levin Sedran & Berman led to a successful outcome.

Along with his class action and mass tort experience, Mr. Schaffer has a LLM in Trial Advocacy and has extensive experience prosecuting complex individual actions on behalf of injured individuals in products liability, medical negligence and drug and medical device actions. He has served as Lead Counsel in these matters and successfully tried cases to jury verdicts.

In recognition of his accomplishments, Mr. Schaffer has achieved and maintained an AV Martindale-Hubbell rating and is recognized by his peers as a Super Lawyer. Mr. Schaffer speaks nationally on a multitude of topics relating to class actions and complex litigation.

AUSTIN B. COHEN
Member



AUSTIN B. COHEN, a native of West Islip, New York, received a BA in Economics and History from the University of Pennsylvania in 1990. He received a JD, cum laude, from the University of Pittsburgh School of Law in 1996. During law school, he interned for the Honorable Lowell Reed (E.D. Pa.) June – August, 1995. He also served as an Executive Editor and Associate Editor for the University of Pittsburgh Journal of Law and Commerce and was a finalist in the Murray S. Love Trial Moot Court Competition.

On April 12, 2019, Mr. Cohen was appointed Co-Lead Counsel in Sutton v. Hoffman La Roche, Inc., ES-L-008724-14 (N.J. Super.), representing a class of homeowners adjacent to Roche's former New Jersey manufacturing facilities in an environmental claim seeking to recover diminished property values as a result of pollution emanating from Roche's property. Mr. Cohen successfully argued for class certification before the trial court and, on interlocutory appeal, before the appellate court. The New Jersey Supreme Court recently rejected defendants' motion for interlocutory review.

Mr. Cohen is presently representing several large ethanol producers asserting, among other things, a Sherman Act Section 2 damages claim due to a cross-market manipulation scheme implemented by defendant Archer Daniels Midland Company involving the U.S. market for ethanol and ethanol derivatives. previously Mr. Cohen served as counsel for a New England electricity wholesaler who brought a Section 2 market manipulation claim against two New England energy companies.

Mr. Cohen's work has focused on all aspects of class litigation. Cases he has worked on include:

- *In re: Air Cargo Shipping Services Antitrust Litigation*, MDL 1775 (E.D.N.Y.) (representing class of shippers alleging international air cargo carriers conspired to fix prices and surcharges. Levin Sedran & Berman served as Co-Lead Counsel. Settlements exceeded $1.25 billion);

- *In re: Electrical Carbon Products Antitrust Litigation*, MDL (D.N.J.) (representing class of purchasers alleging electrical carbon products manufacturers agreed to horizontal price fixing and customer allocation. Levin Sedran & Berman served as Co-Lead Counsel);

- *In re: Graphite Electrodes Litigation*, MDL No. 1244 (E.D. Pa.) (representing class of purchasers alleging manufacturers of graphite components used for steel manufacturing agreed to horizontal price fixing. Levin Sedran & Berman served as Co-Lead Counsel. Settlements totaled $133.5 million, representing 100% of actual damages);

- *In re: Potash Antitrust Litigation*, MDL 1996 (N.D. Ill. And 7th Cir.) (representing class of potash customers alleging horizontal conspiracy among mining companies to fix prices and restrict output. Levin Sedran & Berman worked with lead counsel and focused on obtaining jurisdiction over foreign entities and interpretation of the Foreign Trade Antitrust Improvement Act);

- *In re: Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.) (representing class of financial institutions seeking to recover costs due to Target Corporation's failure to implement proper data security protocols. Levin Sedran & Berman worked with lead counsel and focused on establishing proper standard of care and calculation of appropriate damages).

Mr. Cohen has written published articles regarding the admissibility of subsequent remedial modifications in products liability litigation (68 Pa. B.A.Q. 93), the enforceability of litigation confidentiality agreements (71 Pa. B.A.Q. 93), and federal tax issues related to the tax-exempt financing of University sponsored research facilities (23 The Exempt Organization Tax Review 445).

Mr. Cohen has been rated as a Pennsylvania antitrust "Super Lawyer" and is AV Peer Review rated by Martindale Hubble.

Mr. Cohen is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey, as well as the U.S. District Courts for the Eastern and Western Districts of Pennsylvania and the Central District of Illinois.

MICHAEL M. WEINKOWITZ
Member

MICHAEL M. WEINKOWITZ has substantial professional experience in complex product liability cases involving pharmaceuticals, medical devices and other consumer products. He has served as Court-appointed Executive, Steering or major committee member in mass tort litigations, including, by way of example:

- *In* ***Re: Juul Labs, Inc., Marketing, Sales Practices, and Prod. Liab.,*** MDL (N.D. CA): appointed to Plaintiffs Steering Committee and Law and Briefing Chair;

- ***In re Xarelto Prod. Liab Litig.*****, MDL 2592 (E.D. La.)**; appointed to serve on Discovery Committee, Federal/State Committee, Bellwether trial teams and Settlement Committee and Fee Committee. Served as Plaintiffs' Liaison counsel in the consolidated mass tort litigation in Pennsylvania, *In re Xarelto Prod. Liab. Litig.*, Jan. Term 2015, No. 2349 (First Judicial District of Pennsylvania).

- ***In re Tylenol Marketing, Sales Practices and Prod. Liab. Litig.*****, MDL 2436 (E.D. Pa.):** served as Liaison Counsel and Chair of the both the Discovery and Law and Briefing Committees and a member of the settlement team that negotiated the global settlement that was reached).

- ***In re YAZ Prod. Liab Litig*****, MDL 2100 (S.D. Ill.)**: served as a member of the Discovery Committee. Court appointed Plaintiffs' Liaison Counsel in the consolidated mass tort action in Pennsylvania, *In re Yaz/Yasmin/Ocella Prod. Liab. Litig*, Sept. Term 2009, No. 1307 (First Judicial District of Pennsylvania); member of the Settlement Committee that negotiated and implemented global settlements.

- ***In re Pradaxa Prod. Liab. Litig*****, MDL 2384 (S.D. Ill.):** appointed to Plaintiffs' Steering Committee.

- ***In re Johnson and Johnson Talcum Powder Products Marketing, Sales Practices and Prod. Liab. Litig*****. MDL 2738 (D.N.J.):** member of the Law and Briefing Committee.

- ***In re Fresenius Granuflo/Naturalyte Dialysate Prod. Liab. Litig.*** **MDL 2428 (D. Mass):** co-chair of the Discovery Committee.

- ***In re Vioxx Prod. Liab. Litig*****, MDL No. 1657 (E.D. La.):-** member of the Science Committee and the Joint Defense and Plaintiff Review Settlement Subcommittee.

- ***In re Phenylpropanolamine (PPA) Prod. Liab. Litig*****, MDL 1407 (W.D. Wash.):** member of the Discovery Committee.

In addition to being a member of the various court committees noted above, he has represented those injured by the various drugs and medical devices in those cases, including JUUL, Talcum Powder, Xarelto, Pradaxa, Tylenol, Yaz/Yasmin, Hip Implants, Diethylstilbestrol (DES),

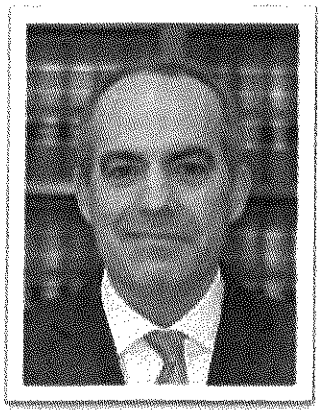
Ortho Evra Birth Control Patch, Vioxx/Bextra/Celebrex, Fosamax, Digitek, Actos, and Cough Cold and Diet Medications containing Phenylpropanolamine (PPA).

He is a frequent seminar instructor and lecturer in the area of mass torts. He was selected Pennsylvania Rising Star – Super Lawyers, in 2005 and in 2009-2020 as a Pennsylvania Super-Lawyer. He is Advisory Board member, LexisNexis Practice Guide(s): Pennsylvania Civil Pre-Trial Practice, and Pennsylvania Civil Trial Practice, 2017 Editions.

Michael was born in Wilmington, Delaware. He graduated from West Virginia University (B.A., *magna cum laude,* 1991) and Temple University, School of Law (J.D., *cum laude*, 1995).

Michael is licensed to practice in Pennsylvania, New Jersey and New York. He is admitted to the United States District Courts, Eastern District of Pennsylvania, the District of New Jersey, the Eastern and Southern Districts of New York and United States Court of Appeals for the Third Circuit.

KEITH J. VERRIER
Member



KEITH J. VERRIER concentrates his practice on complex class action litigation with a focus on antitrust, consumer fraud, environmental contamination and data security breach cases. His clients include large and small businesses as well as individuals seeking compensation for price-fixing, monopolization, and other wrongdoing. He has experience in all aspects of litigation and has assisted in obtaining significant recoveries in courts throughout the United States. For his work, Mr. Verrier was named a "Rising Star" in 2008 and 2010 and recognized by Super Lawyers as a top attorney in antitrust in 2015, 2016, 2017, 2018, 2019, 2020 and 2021.

Mr. Verrier graduated *magna cum laude* from Temple University School of Law where he was a member of the Law Review. Following law school, he served as a judicial clerk for the Honorable Herbert J. Hutton on the United States District Court for the Eastern District of Pennsylvania. Earlier in his career, Mr. Verrier practiced at a large national law firm where he represented clients in a variety of complex commercial litigation matters and at a nationally-recognized boutique law firm specializing in antitrust class actions.

Throughout his career, Mr. Verrier has been involved in a wide range of diverse and complex litigation. The following are representative of the types of matters in which he has been involved:

- *United Wisconsin Grain Producers LLC, et al. v. Archer Daniels Midland*, No. 20-cv-2314 (C.D. Ill.) - Representing a group of large ethanol producers asserting claims for damages arising from an alleged cross-market manipulation scheme implemented by defendant Archer Daniels Midland Company involving the U.S. market for ethanol and ethanol derivatives in violation of, among other things, Section 2 of the Sherman Act.

- *In re: Air Cargo Shipping Services Antitrust Litigation* – Represented a class of shippers alleging international air cargo carriers conspired to fix prices and surcharges. Levin Sedran & Berman served as Co-Lead Counsel. (Over $1.25 billion in settlements).

- *In re Chinese-Manufactured Drywall Products Liability Litigation* – Prosecuted class action and mass tort on behalf of homeowners whose homes contain defective drywall. Levin Sedran & Berman served as Lead Counsel. A settlement with the German defendant provided full remediation for affected homeowners (valued at over $1.1 billion) and settlement with the Chinese defendant provided $248 million to members of the settlement class.

- *In re: Target Corporation Customer Data Security Breach Litigation* – Represented a class of financial institutions seeking to recover costs due to Target Corporation's failure to implement proper data security protocols. Levin Sedran & Berman worked with lead counsel and focused on establishing proper standard of care and calculation of appropriate damages. ($39 million settlement).

- *In re: Automotive Parts Antitrust Litigation* – Representing a class of car purchasers seeking damages arising from alleged price-fixing conspiracies as to various automotive parts that are components of new motor vehicles. Levin Sedran & Berman worked with co-lead counsel on briefing and discovery matters. (Over $200 million in settlements to date).

- *In re: Mushroom Direct Purchaser Antitrust Litigation* – Defended a cooperative of mushroom growers against allegations of, inter alia, price fixing, supply control and monopolization brought under Sections 1 and 2 of the Sherman Act.

- *Johnson Matthey, Inc. v. Research Corp.* – Represented one of the world's largest fabricators and distributors of platinum group metals involving complex pharmaceutical development and licensing issues.

- *Chester County Hospital v. Independence Blue Cross, et al.* – Represented a community hospital in an antitrust matter involving the largest health maintenance organization (HMO) in the country.

Mr. Verrier is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey; in the U.S. District Courts for the Eastern District of Pennsylvania, the District of New Jersey, and the Central District of Illinois; and in the United States Court of Appeals for the Third Circuit.

SANDRA L. DUGGAN
Of Counsel

SANDRA L. DUGGAN is a native of St. Louis and she graduated from Washington University with Phi Beta Kappa. Having earned a J.D. degree from Columbia University School of Law, Ms. Duggan was admitted to the bar in 1986. Since moving to Philadelphia in 1989, Ms. Duggan has focused her practice on class action and multi-district litigation.

She has served as a member of the Plaintiffs' Executive Committee in the national asbestos property damage class action, *Prince George Center, Inc. v. U.S. Gypsum, et al.* (C.C.P. Phila.), and she is counsel for class plaintiffs in the Title IX discrimination suit, *Cohen v. Brown University, et al.*, (D.R.I.). Ms. Duggan has worked on *In re: School Asbestos Litig.*, (E.D. Pa.); Asbestos Claimants Committees in Celotex and National Gypsum Chapter 11 bankruptcies; *In re: Orthopedic Bone Screw Prods. Liab. Litig.*, MDL 1014 (E.D. Pa.); *Diet Drugs Litigation*, MDL 1203 (E.D. Pa.); *In re: EXXON VALDEZ*; *In re: Chinese-Manufactured Drywall Prods. Liab. Litig.*, MDL 2047 (E.D. La.); *In re: VIOXX Prods. Liab. Litig.*, MDL 1657 (E.D. La.), and other securities fraud, shareholder and property damage class actions in federal and state courts. She assisted Co-Lead Counsel and Subclass Counsel with negotiating the class settlement in *In re National Football League Players' Concussion Litig.*, MDL No. 2323 (E.D. Pa.).

In 2015, Ms. Duggan was appointed by the Honorable Carl J. Barbier to serve as Special Counsel to the Plaintiffs' Fee and Cost Committee in the BP Oil Spill Litigation, *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.).

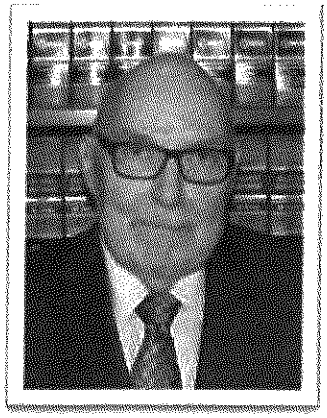
In 2019, Ms. Duggan negotiated a global class settlement with the Chinese manufacturers in the *Chinese Drywall Litigation*. *See In re Chinese-Manufactured Drywall Prods. Liab. Litig.*, MDL 2047, 424 F. Supp. 3d 456 (E.D. La. 2020). She was appointed by the Honorable Eldon E. Fallon to serve as Class Counsel for Plaintiffs in the Global Settlement and she also served as Chair of the Fee Allocation Committee in that case.

Ms. Duggan served as a class action expert in *In re "Non-Filing" Insurance Fee Litig.*, MDL 1130 (M.D. Ala.). She was a contributing author and editor of the Third Edition of Herbert Newberg, *Newberg On Class Actions*, (3d ed. 1992) and she earned a Public Justice Achievement Award in July, 1999 from Public Justice for her work on the Brown University Title IX Litigation.

Ms. Duggan is admitted to practice in the Commonwealth of Pennsylvania, the U.S. District Courts for the Eastern District of Pennsylvania and the Southern and Eastern Districts of New York, the U.S. Court of Appeals for the Third Circuit, and the United States Supreme Court.

Ms. Duggan is Mexican American. She is fluent in Spanish.

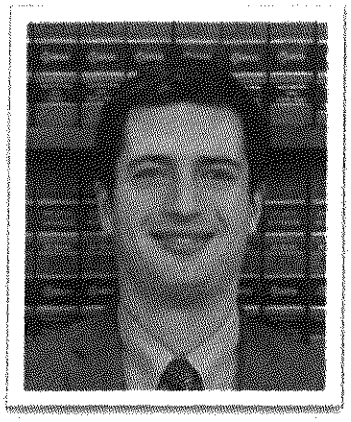
RAYMOND P. FORCENO
Of Counsel



RAYMOND P. FORCENO has had a long and distinguished career practicing railroad law, representing railroad workers in litigation against their employing railroads for on the job injuries and diseases pursuant to the Federal Employers Liability Act (FELA). Mr. Forceno has extensive experience trying cases before juries and has recovered a substantial amount of money for his clients during his career.

Mr. Forceno is admitted to practice in the Commonwealth of Pennsylvania, as well as the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania.

DAVID C. MAGAGNA, JR.
Associate



DAVID C. MAGAGNA JR. graduated from Villanova School of Law in 2016. During law school, Mr. Magagna interned at the United States Attorney's Office and with two national law firms in the Philadelphia area. After graduation from law school, he clerked for Pennsylvania Supreme Court Justice Sallie Updyke Mundy. After his clerkship, he again worked with a national law firm before joining Levin Sedran & Berman as an associate.

Mr. Magagna is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey.

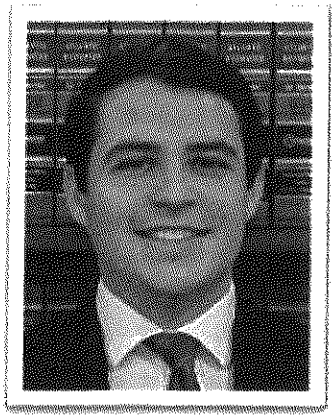
Honors:

- President of Delta Kappa Epsilon
- Vice-President of the Inter-Fraternal Council
- President of the Corporate Law Society

Published article:

- David C. Magagna, *Congress, Give Renewable Energy A Fair Fight: Passage of the Master Limited Partnerships Parity Act Would Give Renewable Energy the Financial Footing Needed to Independently Succeed*, 27 Vill. Envtl. L.J. 149 (2016).

NICHOLAS J. ELIA
Associate



NICHOLAS J. ELIA graduated from The Pennsylvania State University (B.S. Finance and Economics, 2014) and Temple University James E. Beasley School of Law (J.D., 2018). In law school, Nicholas was a member of the Temple International and Comparative Law Journal, he focused his coursework on complex civil litigation and antitrust law, and he interned with the Securities and Exchange Commission and the American Antitrust Institute.

Mr. Elia is admitted to practice in the Commonwealth of Pennsylvania.

ZACHARY M. WINKLER
Associate

ZACHARY M. WINKLER graduated in 2020 from Georgetown University Law Center, where he was selected to the Barristers' Council honors society and competed with the trial advocacy team. During law school, Zachary interned at the Philadelphia District Attorney's Office, served as a legal fellow to Congressman Brendan F. Boyle, and clerked for Administrative Law Judge J.P. Howard in Washington, D.C. Following law school, Zachary completed a litigation fellowship with the National Whistleblower Center in Washington, D.C., before joining Levin Sedran & Berman as an associate.

Mr. Winkler is admitted to practice in the Commonwealth of Pennsylvania.

MARISSA N. PEMBROKE
Associate

MARISSA N. PEMBROKE graduated from Rutgers University School of Law in 2021. During law school, Ms. Pembroke acted as a mediator and domestic violence advocate at the Camden County Hall of Justice. Additionally, Ms. Pembroke interned for the solicitor of Sea Isle City, N.J., and a Philadelphia law firm that specializes in employment law practice. Ms. Pembroke was a member of the Rutgers Law School Journal of Law and Religion and focused her research on the First Amendment's Establishment and Free Exercise clauses. Ms. Pembroke's article regarding censorship on social media platforms was selected for publication in April 2021.

Ms. Pembroke's Pennsylvania Bar admission is pending.

SUCCESSFULLY LITIGATED CLASS CASES

Examples of the firm successfully litigated class action cases include the following: *James J. and Linda J. Holmes, et al. v. Penn Security Bank and Trust Co., et al.*, U.S.D.C., Middle District of Pennsylvania Civil Action No. 80-0747; *In re: Glassine & Greaseproof Antitrust Litigation*, MDL 475, U.S.D.C., Eastern District of Pennsylvania; *In re: First Pennsylvania Securities Litigation*, Master File No. 80-1643, U.S.D.C., Eastern District of Pennsylvania; *In re: Caesars World Shareholder Litigation*, Master File No. MDL 496 (J.P. MDL); *In re: Standard Screws Antitrust Litigation*, Master File No. MDL 443, U.S.D.C., Eastern District of Pennsylvania; *In re: Electric Weld Steel Tubing Antitrust Litigation - II*, Master File No. 83-0163, U.S.D.C., Eastern District of Pennsylvania; *Leroy G. Meshel, et al. v. Nutri-Systems, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 83-1440; *In re: Corrugated Container Antitrust Litigation*, U.S.D.C., Southern District of Texas, Houston Division, MDL 310; *In re: Three Mile Island Litigation*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 79-0432; *Township of Susquehanna, et al. v. GPU, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 81-0437 (a Three Mile Island case); *Donald A. Stibitz, et al. v. General Public Utilities Corporation, et al.*, No. 654 S 1985 (C.P. Dauphin County, Pa.) (a Three Mile Island case); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.) (first Superfund Class Action ever certified); *In re: Dun & Bradstreet Credit Services Customer Litigation*, U.S.D.C., Southern District of Ohio, Civil Action Nos. C-1-89-026, 89-051, 89-2245, 89-3994, 89-408; *Malcolm Weiss v. York Hospital, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 80-0134; *In re: Ramada Inns Securities Litigation*, U.S.D.C., District of Delaware, Master File No. 81-456; *In re: Playboy Securities Litigation*, Court of Chancery, State of Delaware, New Castle County, Civil Action No. 6806 and 6872; *In re: Oak Industries Securities Litigation*, U.S.D.C., Southern District of California, Master File No. 83-0537-G(M); *Dixie Brewing Co., Inc., et al. v. John Barth, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-4112; *In re: Warner Communications Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 82-CV-8288; *In re: Baldwin United Corporation Litigation*, U.S.D.C., Southern District of New York, MDL No. 581; *Zucker Associates, Inc., et al. v. William C. Tallman, et al. and Public Service Company of New Hampshire*, U.S.D.C., District of New Hampshire, Civil Action No. C86-52-D; *In re: Shopping Carts Antitrust Litigation*, MDL 451, Southern District of New York; *Charal v. Andes, et al.*, C.A. No. 77-1725; *Hubner v. Andes, et al.*, C.A. No. 78-1610 U.S.D.C., Eastern District of Pennsylvania; *In re: PetroLewis Securities Litigation*, 84-C-326, U.S.D.C., District of Colorado; *Gentry v. C & D Oil Co.*, 102 F.R.D. 490 (W.D. Ark. 1984); *In re: Hops Antitrust Litigation*, C.A. No. 84-4112, U.S.D.C., Eastern District of Pennsylvania; *In re: North Atlantic Air Travel Antitrust Litigation*, No. 84-1013, U.S.D.C., District of Columbia; *Continental/Midlantic Securities Litigation*, No. 86-6872, U.S.D.C., Eastern District of Pennsylvania; *In re: Fiddler's Woods Bondholders Litigation*, Civil Action No. 83-2340 (E.D. Pa.) (Newcomer, J.); *Fisher Brothers v. Cambridge-Lee Industries, Inc , et al.*, Civil Action No. 82-4941, U.S.D.C., Eastern District of Pennsylvania; *Silver Diversified Ventures Limited Money Purchase Pension Plan v. Barrow, et al.*, C.A. No. B-86-1520-CA (E.D. Tex.) (*Gulf States Utilities Securities Litigation*); *In re: First Jersey Securities Litigation*, C.A. No. 85-6059 (E.D. Pa.); *In re: Crocker Shareholder Litigation*, Cons. C.A. No. 7405, Court of Chancery, State of Delaware, New Castle County; *Mario*

Zacharjasz, et al. v. The Lomas and Nettleton Co., Civil Action No. 87-4303, U.S.D.C., Eastern District of Pennsylvania; *In re: People Express Securities Litigation*, Civil Action No. 86-2497, U.S.D.C., District of New Jersey; *In re: Duquesne Light Shareholder Litigation*, Master File No. 86-1046 U.S.D.C., Western District of Pennsylvania (Ziegler, J.); *In re: Western Union Securities Litigation*, Master File No. 84-5092 (JFG), U.S.D.C., District of New Jersey; *In re: TSO Financial Litigation*, Civil Action No. 87-7903, U.S.D.C., Eastern District of Pennsylvania; *Kallus v. General Host*, Civil Action No. B-87-160, U.S.D.C., District of Connecticut; *Staub, et al. v. Outdoor World Corp.*, C.P. Lancaster County, No. 2872-1984; *Jaroslawicz, et al. v. Englehard Corp.*, U.S.D.C., District of New Jersey, Civil Action No. 84-3641F; *In re: Boardwalk Marketplace Securities Litigation*, U.S.D.C., District of Connecticut, MDL 712 (WWE); *In re: Goldome Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 88-Civ-4765; *In re: Ashland Oil Spill Litigation*, U.S.D.C., Western District of Pennsylvania, Master File No. M-14670; *Rosenfeld, et al. v. Collins & Aikman Corp.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 87-2529; *Gross, et al. v. The Hertz Corporation*, U.S.D.C., Eastern District of Pennsylvania, Master File, No. 88-661; *In re: Collision Near Chase, Maryland on January 4, 1987 Litigation*, U.S.D.C., District of Maryland, MDL 728; *In re: Texas International Securities Litigation*, U.S.D.C., Western District of Oklahoma, MDL No. 604, 84 Civ. 366-R; *In re: Chain Link Fence Antitrust Litigation*, U.S.D.C., District of Maryland, Master File No. CLF-1; *In re: Winchell's Donut House, L.P. Securities Litigation*, Court of Chancery of the State of Delaware, New Castle County, Consolidated Civil Action No. 9478; *Bruce D. Desfor, et al. v. National Housing Ministries, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-1562; *Cumberland Farms, Inc., et al. v. Browning-Ferris Industries, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 87-3717; *In re: SmithKline Beckman Corp. Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 88-7474; *In re: SmithKline Beecham Shareholders Litigation*, Court of Common Pleas, Phila. County, Master File No. 2303; *In re: First Fidelity Bancorporation Securities Litigation*, U.S.D.C., District of New Jersey, Civil Action No. 88-5297 (HLS); *In re: Qintex Securities Litigation*, U.S.D.C., Central District of California, Master File No. CV-89-6182; *In re: Sunrise Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, MDL 655; *David Stein, et al. v. James C. Marshall, et al.*, U.S.D.C., District of Arizona, No. Civ. 89-66 (PHX-CAM); *Residential Resources Securities Litigation*, Case No. 89-0066 (D. Ariz.); *In re: Home Shopping Network Securities Litigation -- Action I (Consolidated Actions)*, Case No. 87-428-CIV-T-13A (M.D. Fla.); *In re: Kay Jewelers Securities Litigation*, Civ. Action Nos. 90-1663-A through 90-1667A (E.D. Va.); *In re: Rohm & Haas Litigation*, Master File Civil Action No. 89-2724 (Coordinated) (E.D. Pa.); *In re: O'Brien Energy Securities Litigation*, Master File No. 89-8089 (E.D. Pa.); *In re: Richard J. Dennis & Co. Litigation*, Master File No. 88-Civ-8928 (MP) (S.D. N.Y.); *In re: Mack Trucks Securities Litigation*, Consolidated Master File No. 90-4467 (E.D. Pa.); *In re: Digital Sound Corp., Securities Litigation*, Master File No. 90-3533-MRP (BX) (C.D. Cal.); *In re: Philips N.V. Securities Litigation*, Master File No. 90-Civ.-3044 (RPP) (S.D.N.Y.); *In re: Frank B. Hall & Co., Inc. Securities Litigation*, Master File No. 86-Civ.-2698 (CLB) (S.D.N.Y.); *In re: Genentech, Inc. Securities Litigation*, Master File No. C-88-4038-DLJ (N.D. Cal.); *Richard Friedman, et al. v. Northville Industries Corp.*, Supreme Court of New York, Suffolk County, No. 88-2085; *Benjamin Fishbein, et al. v. Resorts International, Inc., et al.*, No. 89 Civ.6043(MGC) (S.D.N.Y.); *In re: Avon Products, Inc. Securities Litigation*, No. 89 Civ. 6216 (MEL) (S.D.N.Y.); *In re: Chase*

Manhattan Securities Litigation, Master File No. 90 Civ. 6092 (LJF) (S.D.N.Y.); *In re: FPL Group Consolidated Litigation*; Case No. 90-8461 Civ. Nesbitt (S.D. Fla.); *Daniel Hwang, et al v. Smith Corona Corp., et al*, Consolidated No. B89-450 (TFGD) (D. Ct.); *In re: Lomas Financial Corp. Securities Litigation*, C.A. No. CA-3-89-1962-G (N.D. Tex.); *In re: Tonka Corp. Securities Litigation*, Consolidated Civil Action No. 4-90-2 (D. Minnesota); *In re: Unisys Securities Litigation*, Master File No. 89-1179 (E.D. Pa.); *In re: Alcolac Inc. Litigation*, Master File No. CV490-261 (Cir. Ct. Saline Cty. Marshall, Missouri); *In re: Clozapine Antitrust Litigation*, Case No. MDL874 (N.D. Ill.); *In re: Jiffy Lube Securities Litigation*, C.A. No. JHY-89-1939 (D. Md.); *In re: Beverly Enterprises Securities Litigation*, Master File No. CV-88-01189 RSWL (Tex.) [Central District CA]; *In re: Kenbee Limited Partnerships Litigation*, CV-91-2174 (GEB) (D.N.J.); *Greentree v. Procter & Gamble Co.*, C.A. No. 6309, April Term 1991 (C.C.P. Phila. Cty.); *Moise Katz, et al v. Donald A. Pels, et al and Lin Broadcasting Corp.*, No. 90 Civ. 7787 (KTD) (S.D.N.Y.); *In re: Airlines Antitrust Litigation*, MDL No. 861 (N.D. GA.); *Fulton, Mehring & Hauser Co., Inc., et al. v. The Stanley Works, et al.*, No. 90-0987-C(5) (E.D. Mo.); *In re: Mortgage Realty Trust Securities Litigation*, Master File No. 90-1848 (E.D. Pa.); *Benjamin and Colby, et al. v. Bankeast Corp., et al.*, C.A. No. C-90-38-D (D.N.H.); *In re: Royce Laboratories, Inc. Securities Litigation*, Master File Case No. 920923-Civ-Moore (S.D. Fla.); *In re: United Telecommunications, Inc. Securities Litigation*, Case No. 90-2251-0 (D. Kan.); *In re: U.S. Bioscience Securities Litigation*, C.A. No. 92-678 (E.D. Pa.); *In re: Bolar Pharmaceutical Co., Inc. Securities Litigation*, C.A. No. 89 Civ. 17 (E.D. N.Y.); *In re: PNC Securities Litigation*, C.A. No. 90-592 (W.D. Pa.); *Raymond Snyder, et al. v. Oneok, Inc., et al.*, C.A. No. 88-C-1500-E (N.D. Okla.); *In re: Public Service Company of New Mexico*, Case No. 91-0536M (S.D. Cal.); *In re: First Republic Bank Securities Litigation*, C.A. No. CA3-88-0641-H (N.D. Tex, Dallas Division); and *In re: First Executive Corp. Securities Litigation*, Master File No. CV-89-7135 DT (C.D. Calif.).

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF HASSAN A. ZAVAREEI IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Hassan A. Zavareei, hereby declare and state as follows:

1. I am an attorney admitted to practice before this Court *pro hac vice* in the above-captioned matter. I am a partner in the firm of Tycko & Zavareei, LLP ("TZ"), one of the law firms representing Plaintiffs in this Action.[1]

2. I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

3. TZ has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current and former attorneys from TZ, in addition to myself, who have worked on this Litigation are David Lawler (Of Counsel), Katherine Aizpuru (Associate), Mark Clifford (Associate), and Lauren Kuhlik (Associate). Paralegals Aaron McReynolds, Nicole Porzenheim, and Maura Dunn also provided assistance on the matter.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On May 29, 2020, Plaintiff Melissa Alexander, represented by TZ and others, filed a Class Action Complaint against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 1:20-cv-04129-LJL, Compl., ECF 1.) Plaintiff Alexander filed a Statement of Relatedness to the *Culbertson* matter on the same day. (*Id.*, ECF 4.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, at the direction of Class Counsel and the Executive Committee, TZ has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) drafting of the complaints; (3) legal research; (4) drafting of motions and briefs;

and (5) participating in case strategy conferences and decisions. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research and attention to detail.

8. Additionally, TZ participated in regular calls with Class Counsel and members of the Executive Committee. During these calls, various aspects of this Action were discussed.

II. TZ's LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by TZ for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, TZ has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, filing of the initial Complaint, discovery, and briefing on the Motion to Dismiss.

10. Before initiating any action, TZ conducted a thorough investigation of the claims, both legal and factual. Specifically, TZ thoroughly investigated and researched the claims, which allowed TZ to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 12, 2021, for TZ's attorneys and paralegals:

Attorney	**Total Hours**	**Hourly Rate**	**Amount**
Hassan A. Zavareei	13.7	$919	$12,590.30
Mark Clifford	53	$468	$24,804.00
David Lawler	5.3	$919	$4,870.70
Lauren Kuhlik	8.5	$468	$3,978.00
Katherine Aizpuru	1.1	$676	$743.60
Paralegal	**Total Hours**	**Hourly Rate**	**Amount**
Aaron McReynolds	7	$208	$1,456.00
Nicole Porzenheim	13.1	$208	$2,724.80
Maura Dunn	0.1	$208	$20.80
Total:	**101.8**		**$51,188.20**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by TZ.

12. The attorneys of TZ billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex class action litigation. TZ's 2021 rates are set forth as delineated by the Adjusted Laffey Matrix, which is the most commonly-used fee matrix for determining fees in complex cases in the D.C. Circuit. The Adjusted Laffey Matrix provides the standard hourly rates for attorneys practicing in Washington, D.C., where TZ is based.

13. Numerous other courts have approved Adjusted Laffey Matrix rates for my firm. See, e.g., *Customs Fraud Investigations, LLC v. Victaulic Co.* (E.D. Pa.) No. 13-2983, 2019 WL 4280494, at *8 (approving TZ's hourly rates as "reasonable"); *Meta v. Target Corp., et al.*, (N.D. Ohio Aug. 7, 2018) No. 14-cv-0832, Dkt. 179; *In re Think Finance LLC* (Bankr. N.D. Tex.) No. 17-bk-33964; *Brown v. Transurban USA, Inc.* (E.D. Va. Sept. 29, 2016) 318 F.R.D. 560, 575-76 (finding TZ's rates "within the range of reasonable rates"); *Small v. BOKF, N.A.* (D. Colo.) No. 1:13-cv-01125-REBMJW; *Soule v. Hilton Worldwide, Inc.* (D. Haw. Aug. 25, 2015) No. CV 13-00652 ACK-RLP, 2015 WL 12827769, at *1 (approving requested rates given "the performance of Plaintiff's attorneys").

14. Courts regularly approve these rates in recognition of TZ's "skill and diligence," along with the excellent results that TZ obtain for their clients and the classes they represent. *See, e.g., Kumar v. Salov N. Am. Corp.* (N.D. Cal. July 7, 2017), No. 14-CV-2411-YGR, 2017 WL 2902898, at *7; *see also Farrell v. Bank of America, N.A.* (S.D. Cal. 2018) 327 F.R.D. 422, 432 (noting that TZ obtained a "remarkable" result for the class "through tenacity and great skill"); and

Simmons, et al. v. Apple Inc. (Cal. Super. Ct. 2021) No. 17CV312251. *See also, Beck v. Test Masters Educ. Servs., Inc.* (D.D.C. 2014) 73 F. Supp. 3d 12; *Harkey v. General Electric Company* (D. Conn.) No. 3:13-cv-01799; *Harris v. Farmers Insurance* (Cal. Super. Ct.) No. BC579498); *Roberts v. Capital One Financial Corp.* (S.D. NY) 1:16-cv-04841; *Hamm, et al. v. Sharp Electronics Corp.* (M.D. Fla.) No. 5:19-cv-00488-JSM-PRK; *Juan Quintanilla Vazquez et al. v. Libre by Nexus, Inc.* (N.D. Cal.) No. 17-cv-00755-CW; *Smith v. Fifth Third Bank* (S.D. Ohio) No. 1:18-cv-464-DRC-SKB; and *Rosado v. Barry University* (S.D. Fla.) No. 1:20CV21813.

15. During the course of this Action, TZ incurred $2,181.11 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of TZ and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Telephone, Conference Calls and Facsimile	N/A
Court Costs, Filing Fees and Transcripts	$617.40
Delivery/Courier	N/A
Carfare, Travel and Meals	N/A
Legal Research	$1,408.46
Service of Process	$155.25
TOTAL	**$2,181.11**

16. TZ necessarily may continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members, to the extent Class Counsel and the Executive Committee assign such work to TZ. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. TZ HAS A LENGTHY HISTORY REPRESENTING CONSUMERS IN COMPLEX CLASS ACTION LITIGATION, AND HAS ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS.

17. TZ has been appointed class counsel in numerous complex class actions in state and federal courts, including consolidated class actions. For example, TZ served as lead counsel and appointed settlement class counsel in a TCPA text messages case, *Vergara v. Uber Technologies, Inc.* (N.D. Ill) No. 1:15-cv-06942, achieving a $20 million common fund, as well as prospective relief for a class of persons who had received unsolicited text messages from Uber. As co-lead counsel in *Farrell v. Bank of America*, I led a team that secured a class action settlement valued at $66.6 million along with injunctive relief—a result that the court described as a "remarkable" accomplishment achieved through "tenacity and great skill." *Farrell v. Bank of America* (S.D. Cal. 2018) 327 F.R.D. 422, 432 (over $1 billion in practice changes).

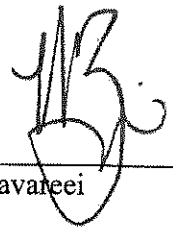
18. A few other examples of TZ's appointment as class counsel, settlement class counsel, or other leadership positions in complex litigation include: *Lloyd v. Navy Federal Credit Union* (S.D. Cal.) No. 17-cv-1280 (co-lead counsel, obtaining $24.5 million common fund settlement on behalf of a class of NFCU customers harmed by the credit union's overdraft fee practices); *Roberts v. Capital One Financial Corporation* (S.D.N.Y.) No. 16-cv-04841 (co-lead counsel, obtaining $17 million settlement on behalf of Capital One customers forced to pay excessive overdraft fees); *In re: TD Bank Overdraft Fee Litigation* (D.S.C.) No. 6:15-mn-02613-BHH (member of Plaintiff's Executive Committee in MDL proceedings, obtaining $79 million settlement); *Bodnar v. Bank of America, N.A.* (E.D. Pa.) No. 5:14-cv03224-EGS (lead counsel, obtaining $27.5 million class settlement and significant injunctive relief); *In Re: Higher One Account Marketing and Sales Practices Litigation* (D. Conn.) No. 3:12-md-02407 (lead counsel in MDL proceedings, obtaining $15 million common fund settlement with significant changes to business practices for illegal debit card fees); *In re Fifth Third Early Access Cash Advance*

Litigation (S.D. Ohio) No. 1:12-cv-00851 (co-lead counsel in consolidated proceedings concerning payday lending); *Jones v. United Bank and United Bankshares, Inc.* (Cir. Ct. of Jackson Cty., W. Va.) No. 11-C-50 (settlement class counsel, obtaining $3.3 million settlement); *Duval v. Citizens Financial Group, Inc.* (S.D. Fla.) No. 1:10-cv-21080 (co-class counsel, obtaining $137.5 million common fund settlement); *In re: American Psychological Association Assessment Fee Litigation* (D.D.C.) 1:10-cv-01780 (co-lead counsel, obtaining $9 million common fund settlement); *Trombley v. National City Bank* (D.D.C.) 1:10-cv-00232-JDB (settlement class counsel, obtaining $12 million settlement); *Hawthorne v. Umpqua Bank* (N.D. Cal.) No. 3:11-cv-06700-JST (settlement class counsel, securing $2.9 million settlement); *Hawkins v. First Tennessee Bank, N.A.* (Cir. Ct. Shelby Cty. Tenn.) No. CT-0040851-11 (co-lead counsel, obtaining class settlement of $16.75 million on behalf of customers harmed by First Tennessee's predatory overdraft fees); *Lodley v. Bank of Hawaii* (Cir. Ct. of 1st Cir., Haw.) No. 11-1-0337-02 (settlement class counsel, obtaining $9 million settlement); *Mathena v. Webster Bank* (D. Conn.) No. 3:10-cv-01448 (settlement class counsel, obtaining $2.8 million settlement, equivalent to 58 to 115 percent of possible recovery at trial); *Casto v. City National Bank, N.A.* (Cir. Ct. Kanawha Cty., W. Va.) 10 Civ. 01089 (settlement class counsel, obtaining $5.5 million settlement); and *Molina v. Intrust Bank, N.A.* (18th Judicial Dist., Dist. Ct. Sedgwick County, Kan.) No. 10-cv-3686 (settlement class counsel). *See also*, *Alfonse Forgione, et al. v. Webster Bank, N.A.* (Super. Ct. Judicial Dist. of Waterbury, Conn.) No. UWY-CV12-6015956-S; *Amber Hawthorne, et al. v. Umpqua Bank* (N.D. Cal.) No. 4:11-cv-06700; *Dennings, et al. v. Clearwire Corporation* (W.D. Wash.) No. 2:10-cv-01859 (W.D. Wash.); *Eaton v. Bank of Oklahoma, N.A., and BOK Financial Corporation, d/b/a Bank of Oklahoma, N.A.* (Dist. Ct. for Tulsa County, Okla.) No. CJ-2010-5209 (Dist. Ct. for Tulsa County, Okla.); *Gatinella et al. v. Michael Kors (USA)* (S.D.N.Y) No. 14-cv-5731; *Geis v.*

Airborne Health, et. al. (D. N.J.) Civil Action No. 2:07 Civ. 4238-KSH-PS; *Gibbs v. Plain Green, LLC* (E.D. Va.) No. 3:17-cv-495; *Grayson, et al. v. General Electric Company* (D. Conn.) 3:13-cv-1799; *Griffith v. ContextMedia Health, LLC d/b/a Outcome Health* (N.D. Ill.) No. 1:16-cv-02900; *Hughes v Autozone Parts, Inc.* (Cal. Super. Ct.) No. BC63-l-080; *In re: APA Assessment Fee Litigation* (D.D.C.) 1:10-cv-01780; *Galdamez v. I.Q. Data International, Inc.* (E.D. Va.) No. 15-cv-1605; *Jane Simpson, et al. v. Citizens Bank, et al.* (E.D. Mich.) No. 2:12-cv-10267; *Jessica Duval, et al. v. Citizens Financial Group, Inc., et al* (S.D. Fla.) No. 1:10-cv-21080; *Jonathan Jones, et al. v. United Bank and United Bankshares, Inc.* (Cir. Ct. of Jackson County, W. Va.) No. 11-C-50; *Kelly Mathena v. Webster Bank* (D. Conn.) No. 3:10-cv-01448; *Koller v. Deoleo USA, Inc.* (N.D. Cal.) No. 3:14-CV-02400-RS; *Kumar v. Safeway, Inc. et al.* (Cal. Super. Ct.) RG14726707; *Lambert v. Navy Fed. Credit Union* (E.D. Va.) No. 19-cv-00103-LO-MSN; *Lashambae v. Capital One Bank, N.A.* (E.D.N.Y.) 1:17-cv-06406-VMS; *Mascaro, et al. v. TD Bank, Inc.* (S.D. Fla.) No. 10-cv-21117; *Nick Allen, et al. v. UMB Bank, N.A., et al.* (Cir. Ct. Jackson County, Mo.) No. 1016 Civ. 34791; *Petit v. Procter & Gamble Co.* (N.D. Cal.) No. 15-cv-02150; *Robinson v. First Hawaiian Bank* (Cir. Ct. of 1st Cir., Haw.) No. 17-1-0167-01; *Rosado v. Barry Univ.* (S.D. Fla.) No. 20-cv-21813-JEM; *Scott, et al. v. JPMorgan Chase & Co.* (D.D.C.) No. 17-cv-249; *Shannon Schulte, et al. v. Fifth Third Bank* (N.D. Ill.) No. 1:09-cv-06655; *Sherry Bodnar v. Bank of America, N.A.* (E.D. Pa.) No. 5:14-cv-03224-EGS; *Sylvia Hawkins, et al. v. First Tennessee Bank, N.A.* (Cir. Ct. of Shelby County, Tenn.) No. CT-004085-11; *Theresa Molina, et al., v. Intrust Bank, N.A.* (18th Judicial Dist., Dist. Ct. Sedgwick County, Kan.) No. 10-cv-3686; *Thomas Casto, et al. v. City National Bank, N.A.* (Cir. Ct. Kanawha County, W. Va.) No. 10 Civ. 01089; *Walters v. Target Corp.* (S.D. Cal) 3:16-cv-01678; and *Wong v. TrueBeginnings LLC d/b/a True.com* (N.D. Tex.) No. 3-07 Civ. 1244-N.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: November 23, 2021



Hassan A. Zavareei

TYCKO & ZAVAREEI LLP

Firm Resume

Jonathan Tycko and Hassan Zavareei founded Tycko & Zavareei LLP in 2002 when they left a large national firm to form a private public interest law firm. Since then, a wide range of clients have trusted the firm with their most difficult problems. Those clients include individuals fighting for their rights, tenants' associations battling to preserve decent and affordable housing, consumers seeking redress for unfair business practices, whistleblowers exposing fraud and corruption, and non-profit entities and businesses facing difficult litigation.

The firm's practice focuses on complex litigation, with a particular emphasis on consumer and other types of class actions, and *qui tam* and False Claims Act litigation. In its class action practice, the firm represent consumers who have been victims of corporate wrongdoing. The firm's attorneys bring a unique perspective to such litigation because many of them trained at major national defense firms where they obtained experience representing corporate defendants in such cases. This unique perspective enables the firm to anticipate and successfully counter the strategies commonly employed by corporate counsel defending class action litigation. Tycko & Zavareei LLP's attorneys have successfully obtained class certification, been appointed class counsel, and obtained approval of class action settlements with common funds totaling over $500 million.

Tycko & Zavareei LLP's sixteen attorneys graduated from some of the nation's finest law schools, including Harvard Law School, Columbia Law School, Duke University School of Law, UC Berkeley School of Law, Georgetown Law, and the University of Michigan Law School. They have served in prestigious clerkships for federal and state trial and appellate judges and have worked for low-income clients through competitive public interest fellowships. The firm's diversity makes it a leader amongst its peers, and the firm actively and successfully recruits attorneys who are women, people of color, and LGBTQ. To support its mission of litigating in the public interest, Tycko & Zavareei LLP offers a unique public interest fellowship for recent law graduates. Tycko & Zavareei LLP's attorneys practice in state and federal courts across the nation.

Representative Cases

***Vergara v. Uber Technologies, Inc.*, No. 1:15-cv-06972 (N.D. Ill.).** Tycko & Zavareei LLP served as Co-Lead Counsel in this case under the Telephone Consumer Protection Act, in which he obtained a class settlement of $20 million.

***In re Fifth Third Early Access Cash Advance Litigation*, No. 1:12-cv-00851 (S.D. Ohio).** Tycko & Zavareei LLP was appointed Co-Lead Counsel in these consolidated payday lending cases, which are in discovery after a successful appeal before the Sixth Circuit.

***Farrell v. Bank of America, N.A.*, No. 16-cv-000492 (S.D. Cal.).** As Co-Lead Counsel, Tycko & Zavareei LLP obtained a settlement valued at $66.6 million plus injunctive relief valued at $1.2 billion.

***In re TD Bank, N.A. Debit Card Overdraft Fee Litigation*, No. 15-mn-02613 (D.S.C.).** Tycko & Zavareei LLP serves on the Plaintiffs Executive Committee in this case challenging TD Bank's overdraft fee practices. Tycko & Zavareei LLP assisted in obtaining a $70 million class settlement.

***In re Higher One Account Marketing & Sales Practices Litigation*, No. 12-md-02407 (D. Conn.).** As Lead Counsel, Tycko & Zavareei LLP helped secure a $15 million common fund settlement with significant changes to business practices for illegal debit card fees.

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***Duval v. Citizens Financial Group, Inc.*, No. 10-cv-21080 (S.D. Fla.).** Tycko & Zavareei LLP was appointed Class Counsel and obtained a common fund settlement of $137.5 million.

***In re American Psychological Association Assessment Fee Litigation*, No. 10-cv-01780 (D.D.C.).** Tycko & Zavareei LLP served as Co-Lead Counsel in this case challenging the APA's deceptive fee practices, and achieved a $9.02 million common fund settlement for the class.

***Lloyd v. Navy Federal Credit Union*, No. 17-cv-1280 (S.D. Cal.).** As Co-Lead Counsel, Tycko & Zavareei LLP helped secure a $24.5 million common fund settlement on behalf of a class of NFCU customers harmed by the credit union's overdraft fee practices.

***Morgan v. Apple, Inc.*, No. 17-cv-5277 (N.D. Cal.), *Simmons v. Apple Inc.*, No. 17CV312251 (Sup. Ct. Ca., Santa Clara Cty.).** Tycko & Zavareei LLP is currently serving as Lead Counsel in this class action challenging Apple's deceptive marketing of Powerbeats headphones and secured a $9.75 million settlement for the class, which is pending preliminary approval.

***Wallace v. Wells Fargo Bank, N.A.*, No. 17CV31775 (Sup. Ct. Ca., Santa Clara Cty.).** Tycko & Zavareei LLP serve as Co-Lead Counsel in this case against Wells Fargo's overdraft fee practices. Tycko & Zavareei LLP recently moved for preliminary approval of a $10.5 million common fund class settlement.

***Roberts v. Capital One Financial Corporation*, No. 16-cv-04841 (S.D.N.Y.).** As Co-Lead Counsel, Tycko & Zavareei LLP helped secure a $17 million settlement on behalf of Capital One customers forced to pay excessive overdraft fees.

***Hawkins v. First Tennessee Bank, N.A.*, No. CT-0040851-11 (Cir. Ct. Shelby Cty. Tenn.).** As Co-Lead Counsel, Tycko & Zavareei LLP helped obtain a class settlement of $16.75 million on behalf of bank customers harmed by First Tennessee's predatory overdraft fees.

***Mascaro v. TD Bank, N.A.*, No. 10-cv-21117 (S.D. Fla.).** Tycko & Zavareei LLP was appointed Class Counsel and was instrumental in obtaining a $62 million common fund on behalf of the class.

***Trombley v. National City Bank*, No. 10-cv-00232 (D.D.C.).** Tycko & Zavareei LLP served as Lead Counsel and obtained a $12 million common fund settlement on behalf of a class of consumers.

***Taulava v. Bank of Hawaii*, No. 11-1-0337-02 (Cir. Ct. of 1st Cir., Haw.).** As Co-Lead Counsel, Tycko & Zavareei LLP obtained a $9 million common fund for a class of customers who were harmed by Bank of Hawaii's overdraft fee practices.

***Bodnar v. Bank of America, N.A.*, No. 14-cv-3224 (E.D. Pa.).** Tycko & Zavareei LLP served as lead Counsel and obtained a $27.5 million class settlement and significant injunctive relief.

***Lambert v. Navy Federal Credit Union*, No. 19-cv-00103 (E.D. Va.).** Tycko & Zavareei LLP was appointed Class Counsel and helped secure a $16 million settlement on behalf of members of Navy Federal Credit Union who were harmed by the credit union's practice of assessing a second or third NSF Fee upon re-presentment of debit items or checks.

***Hamm v. Sharp Electronics Corp.*, No. 19-cv-488 (M.D. Fla.).** Tycko & Zavareei LLP was appointed Co-Lead Counsel and was instrumental in providing relief valued at $109 million for class members exposed to a product defect in certain Sharp Microwave Drawer Ovens.

***Gibbs v. TCV V, LP & Gibbs v. Rees*, Nos. 19-cv-789 & 20-cv-717 (E.D. Va.).** Tycko & Zavareei LLP was named class counsel in one of, if not, the largest unlawful tribal payday lending schemes. Thus far, class counsel has been able to obtain a settlement fund over $60 million as well as the cancellation of $380 million in loans.

TYCKO & ZAVAREEI LLP

Hassan A. Zavareei

Partner

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Mr. Zavareei has devoted the last eighteen years to recovering hundreds of millions of dollars on behalf of consumers and workers. He has served in leadership roles in dozens of class action cases and has been appointed Class Counsel on behalf of numerous litigation and settlement classes. An accomplished and experienced attorney, Mr. Zavareei has litigated in state and federal courts across the nation in a wide range of practice areas; tried several cases to verdict; and successfully argued numerous appeals, including in the D.C. Circuit, the Fourth Circuit, and the Fifth Circuit.

After graduating from UC Berkeley School of Law, Mr. Zavareei joined the Washington, D.C. office of Gibson, Dunn & Crutcher LLP. There, he managed the defense of a nationwide class action brought against a major insurance carrier, along with other complex civil matters. In 2002, Mr. Zavareei founded Tycko & Zavareei LLP with his partner Jonathan Tycko.

Mr. Zavareei has served as lead counsel or co-counsel in dozens of class actions involving deceptive business practices, defective products, and/or privacy. He has been appointed to leadership roles in multiple cases. As Lead Counsel in an MDL against a financial services company that provided predatory debit cards to college students, Mr. Zavareei spearheaded a fifteen-million-dollar recovery for class members. He is currently serving as Co-Lead Counsel in consolidated proceedings against Fifth Third Bank, and on the Plaintiffs' Executive Committee in MDL litigation against TD Bank. As Co-Lead Counsel in *Farrell v. Bank of America*, a case challenging Bank of America's punitive overdraft fees, Mr. Zavareei secured a class settlement valued at $66.6 million in cash and debt relief, together with injunctive relief forcing the bank to change a practice that will save millions of low-income consumers approximately $1.2 billion in overdraft fees. In his Order granting final approval, Judge Lorenz of the U.S. District Court for the Southern District of California described the outcome as a "remarkable" accomplishment achieved through "tenacity and great skill."

Education

UC Berkeley School of Law, 1995
Order of the Coif

Duke University, 1990
cum laude

Bar Admissions

California
District of Columbia
Maryland
Supreme Court of the United States

Memberships

Public Justice, Board Member

American Association for Justice

Awards

Washington Lawyers Committee, *Outstanding Achievement Award*

Super Lawyer

Lawdragon 500

Presentations & Publications

Witness Before the Subcommittee on the Constitution and Civil Justice, 115th Congress

Witness Before the Civil Rules Advisory Committee, 2018, 2019

Editor, Duke Law School Center for Judicial Studies, Guidance on New Rule 23 Class Action Settlement Provisions

TYCKO & ZAVAREEI LLP

Jonathan Tycko

Partner

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In his 25 years of practice, Jonathan Tycko has represented a wide range of clients, including individuals, Fortune 500 companies, privately-held business, and non-profit associations, in both trial and appellate courts around the country. Although he continues to handle a variety of cases, his current practice is focused primarily on helping whistleblowers expose fraud and corruption through qui tam litigation under the False Claims Act and other similar whistleblower statutes. Mr. Tycko's whistleblower clients have brought to light hundreds of millions of dollars in fraud in cases involving healthcare, government contracts, customs and import duties, banking and tax.

Prior to founding Tycko & Zavareei LLP in 2002, Mr. Tycko was with Gibson, Dunn & Crutcher LLP, one of the nation's top law firms. He received his law degree in 1992 from Columbia University Law School, and earned a B.A. degree, with honors, in 1989 from The Johns Hopkins University. After graduating from law school, Mr. Tycko served for two years as law clerk to Judge Alexander Harvey, II, of the United States District Court for the District of Maryland.

In addition to his private practice, Mr. Tycko is an active participant in other law-related and community activities. He currently serves on the Conference Committee of the Taxpayers Against Fraud Education Fund, charged with planning the premier annual conference of whistleblower attorneys and their counterparts at the United States Department of Justice and other government agencies. He has taught as an Adjunct Professor at the George Washington University Law School. He is a former member and Chairperson of the Rules of Professional Conduct Review Committee of the District of Columbia Bar, where he helped draft the ethics rules governing members of the bar. And Mr. Tycko is a member of the Board of Trustees of Studio Theatre, one of the D.C. area's top non-profit theaters.

Mr. Tycko is admitted to practice before the courts of the District of Columbia, Maryland and New York, as well as before numerous federal courts, including the Supreme Court, the Circuit Courts for the D.C. Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Seventh Circuit, Ninth Circuit, Eleventh Circuit and Federal Circuit, the District Courts for the District of Columbia and District of Maryland, the Southern District of New York, the Northern District of New York, the Western District of New York, and the Court of Federal Claims.

Education

Columbia University Law School, 1992

The Johns Hopkins University, 1989, *with honors*

Bar Admissions

District of Columbia
Maryland
New York
Supreme Court of the United States

Memberships

American Association for Justice (AAJ)

Public Justice

Taxpayers Against Fraud Education Fund (TAFEF)

Awards

Stone Scholar (all three years), Columbia Law School

Thomas E. Dewey Prize for Best Brief, Harlan Fiske Stone Moot Court Competition, Columbia Law School

Award of Litigation Excellence, CARECEN-The Central American Resource Center

Super Lawyers, 2012-current

Member of the D.C. Bar Leadership Academy

TYCKO & ZAVAREEI LLP

Andrea R. Gold

Partner

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Andrea Gold has spent her legal career advocating for consumers, employees, and whistleblowers. Ms. Gold has litigated numerous complex cases, including through trial. Her extensive litigation experience benefits the firm's clients in both national class action cases as well as in qui tam whistleblower litigation.

She has served as trial counsel in two lengthy jury trials.

In her class action practice, Ms. Gold has successfully defended dispositive motions, navigated complex discovery, worked closely with leading experts, and obtained contested class certification. Her class action cases have involved, amongst other things, unlawful bank fees, product defects, violations of the Telephone Consumer Protection Act, and deceptive advertising and sales practices.

Ms. Gold also has significant civil rights experience. She has represented individuals and groups of employees in employment litigation, obtaining substantial recoveries for employees who have faced discrimination, harassment, and other wrongful conduct. In addition, Ms. Gold has appellate experience in both state and federal court.

Prior to joining Tycko & Zavareei LLP, Ms. Gold was a Skadden fellow. The Skadden Fellowship Foundation was created by Skadden, Arps, Slate, Meagher & Flom LLP, one of the nation's top law firms, to support the work of new attorneys at public interest organizations around the country.

Ms. Gold earned her law degree from the University of Michigan Law School, where she was an associate editor of the Journal of Law Reform, co-President of the Law Students for Reproductive Choice, and a student attorney at the Family Law Project clinical program. Ms. Gold graduated with high distinction from the University of Michigan Ross School of Business in 2001, concentrating her studies in Finance and Marketing.

Education

University of Michigan Law School, 2004

University of Michigan, Ross School of Business, 2001

Bar Admissions

District of Columbia
Illinois
Maryland

Memberships

American Association for Justice

National Associate of Consumer Advocates

National Employment Lawyers Association

Public Justice

Taxpayers Against Fraud Education Fund

Awards

National Trial Lawyers, Top 100 Civil Plaintiff Lawyers, 2020

Super Lawyers, Rising Star

Skadden Fellow, Skadden Arps Slate Meagher & Flom LLP, 2004-2006

TYCKO & ZAVAREEI LLP

Anna Haac

Partner

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Anna C. Haac is a Partner in Tycko & Zavareei LLP's Washington, D.C. office. She focuses her practice on consumer protection class actions and whistleblower litigation. Her prior experience at Covington & Burling LLP, one of the nation's most prestigious defense-side law firms, gives her a unique advantage when representing plaintiffs against large companies in complex cases. Since arriving at Tycko & Zavareei LLP, Ms. Haac has represented consumers in a wide range of practice areas, including product liability, false labeling, deceptive and unfair trade practices, and predatory financial practices. Her whistleblower practice involves claims for fraud on federal and state governments across an equally broad spectrum of industries, including health care fraud, customs fraud, and government contracting fraud.

Ms. Haac has helped secure multimillion-dollar relief on behalf of the classes and whistleblowers she represents. Ms. Haac also serves as the D.C. Co-Chair of the National Association of Consumer Advocates and as Co-Chair of the Antitrust and Consumer Law Section Steering Committee of the D.C. Bar.

Ms. Haac earned her law degree cum laude from the University of Michigan Law School in 2006 and went on to clerk for the Honorable Catherine C. Blake of the United States District Court for the District of Maryland. Prior to law school, Ms. Haac graduated with a B.A. in political science with highest distinction from the Honors Program at the University of North Carolina at Chapel Hill.

Ms. Haac is a member of the District of Columbia and Maryland state bars. She is also admitted to the United States Court of Appeals for the Second, Third, and Fourth Circuits and the United States District Courts for the District of Columbia, District of Maryland, and the Eastern District of Michigan, among others.

Education

University of Michigan Law School, 2006, *cum laude*

University of North Carolina at Chapel Hill, 2002, *highest honors*

Bar Admissions

District of Columbia
Maryland

Memberships

Antitrust & Consumer Protection Section of District of Columbia Bar, Co-Chair

National Association of Consumer Advocates, District of Columbia Co-Chair

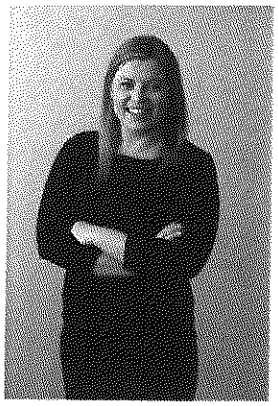
Awards

Super Lawyers, Rising Star, 2015

Presentations & Publications

Discussion Leader, "Practical Ideas about Properly Framing the Issues and Educating the Court and Public in Filings Responding to Increasing Attacks on Class Action Settlements and Fees," Invitation-Only Cambridge Forum on Plaintiffs' Class Action Litigation (October 2020)

TYCKO & ZAVAREEI LLP



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Annick M. Persinger leads Tycko & Zavareei LLP's California office as California's Managing Partner. While at Tycko & Zavareei LLP, Ms. Persinger has dedicated her practice to utilizing California's prohibitions against unfair competition and false advertising to advocate for consumers. Ms. Persinger has taken on financial institutions, companies that take advantage of consumers with deceptive advertising, tech companies that disregard user privacy, companies that sell defective products, and mortgage loan servicers. Ms. Persinger also represents whistleblowers who expose their employer's fraudulent practices.

Ms. Persinger graduated magna cum laude as a member of the Order of the Coif from the University of California, Hastings College of the Law in 2010. While in law school, Ms. Persinger served as a member of Hastings Women's Law Journal, and authored two published articles. In 2008, Ms. Persinger received an award for Best Oral Argument in the first year moot court competition. In 2007, Ms. Persinger graduated cum laude from the University of California, San Diego with a B.A. in Sociology, and minors in Law & Society and Psychology.

Following law school, Ms. Persinger worked as a legal research attorney for Judge John E. Munter in Complex Litigation at the San Francisco Superior Court.

Ms. Persinger served as an elected board member of the Bay Area Lawyers for Individual Freedom (BALIF) from 2017 to 2019, and as Co-Chair of BALIF from 2018 to 2019. During her term on the BALIF Board of Directors, Ms. Persinger advocated for LGBTQI community members with intersectional identities, and promoted anti-racism and anti-genderism. Ms. Persinger now serves as a Steering Committee member for the Cambridge Forum on Plaintiffs' Food Fraud Litigation.

Education

University of California Hastings College of Law, 2010 *Magna Cum Laude,* Order of the Coif

University of California San Diego, 2007 *Cum Laude*

Bar Admissions

California

Memberships

American Association for Justice

Plaintiffs' Food Fraud Litigation, 2020 Steering Committee Member

Public Justice

Awards

Super Lawyer, Rising Star 2020

UC Hastings, *Best Oral Argument* 2008

TYCKO & ZAVAREEI LLP

Kristen G. Simplicio

Partner

202.973.0900
ksimplicio@tzlegal.com

Kristen G. Simplicio has devoted her career to representing victims of false advertising and corporate fraud. Prior to joining Tycko & Zavareei LLP's D.C. office in 2020, she spent ten years at a boutique class action firm in California. While there, she successfully litigated over a dozen false advertising cases against manufacturers of a variety of consumer products, including olive oil, flushable wipes, beverages, and chocolate. In connection with this work, she helped to obtain millions of dollars in refunds to consumers, as well as changed practices.

In addition to her product labeling work, Ms. Simplicio has represented plaintiffs in a wide variety of areas. For example, she was the lead associate on RICO case on behalf of small business owners against 18 defendants in the credit card processing industry. In connection with that case, she obtained a preliminary injunction halting an illegal $10 million debt collection scheme, and later, helped to secure refunds and changed practices for the victims. She has also represented victims of other debt collectors, as well as those harmed by unlawful background and credit reporting, including a pro bono matter performed in conjunction with the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. Ms. Simplicio also worked on a lawsuit against government agencies, which were charging unconstitutional fines and fees in connection with toll collection.

Ms. Simplicio graduated cum laude from American University, Washington College of Law in 2007. She holds a bachelor's degree from McGill University. She began her legal career at the United States Department of Labor, where she advised on regulations pertaining to group health insurance plans. Before and during law school, Ms. Simplicio worked for other plaintiffs' law firms.

Ms. Simplicio serves as the D.C. Co-Chair of the National Association of Consumer Advocates. She is admitted to practice in California and the District of Columbia.

Education

American University, Washington College of Law, 2007 *cum laude*

McGill University, 1999

Bar Admissions

California
District of Columbia

Memberships

National Association of Consumer Advocates

American Association for Justice

TYCKO & ZAVAREEI LLP

Sabita J. Soneji

Partner

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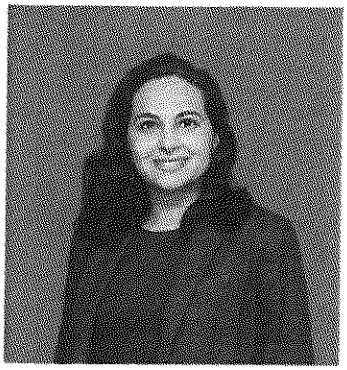

In almost 20 years of practice, Sabita J. Soneji has developed extensive experience in litigation and legal policy at both the federal and state level and a passion for fighting consumer fraud. Now a Partner in Tycko & Zavareei LLP's Oakland office, she focuses on consumer protection class actions and whistleblower litigation. In addition to her success with novel Telephone Consumer Protection cases, False Claims Act cases involving insurance fraud, and deceptive and false advertising cases, Ms. Soneji serves in leadership on multi-district litigation against Juul, for its manufacture and marketing to youth of an addictive nicotine product. Ms. Soneji also successfully represents consumers harmed by massive data breaches and by corporate practices that collect and monetize user data without consent. She serves as head of the firm's Privacy and Data Breach Group.

Ms. Soneji began that work during her time with the United States Department of Justice, as Senior Counsel to the Assistant Attorney General. In that role, she oversaw civil and criminal prosecution of various forms of financial fraud that arose in the wake of the 2008 recession. For that work, Ms. Soneji partnered with other federal agencies, state attorneys' general, and consumer advocacy groups. Beyond that affirmative work, Ms. Soneji worked to defend various federal programs, including the Affordable Care Act in nationwide litigation.

Ms. Soneji has extensive civil litigation experience from her four years with international law firm, her work as an Assistant United States Attorney in the Northern District of California, and from serving as Deputy County Counsel for Santa Clara County, handling civil litigation on behalf of the County including regulatory, civil rights, and employment matters. She has successfully argued motions and conducted trials in both state and federal court and negotiated settlements in complex multi-party disputes.

Early in her career, Ms. Soneji clerked for the Honorable Gladys Kessler on the United States District Court for the District of Columbia s, during which she assisted the judge in overseeing the largest civil case in American history, United States v. Phillip Morris, et al., a civil RICO case brought against major tobacco manufacturers for fraud in the marketing, sale, and design of cigarettes. The opinion in that case paved the way for Congress to authorize FDA regulation of cigarettes.

Ms. Soneji is a graduate of the University of Houston, summa cum laude, with degrees in Math and Political Science, and Georgetown University Law Center, magna cum laude.

Education

Georgetown University Law Center, *magna cum laude*

University of Houston, *summa cum laude*

Bar Admissions

District of Columbia
California

Memberships

American Association for Justice (AAJ)

Public Justice

Taxpayers Against Fraud Education Fund (TAFEF)

Awards

Attorney General's Award 2014

Presentations & Publications

NITA Trial Skills Faculty 2010-present

TYCKO & ZAVAREEI LLP

Eva Gunasekera

Partner

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Bringing 16 years of complex litigation experience practice, Eva Gunasekera, the former Senior Counsel for Health Care Fraud at the United States Department of Justice, is now representing whistleblowers. Ms. Gunasekera has spent the better part of her career enforcing the False Claims Act and the Stark and Anti-Kickback laws.

Highly strategic, Ms. Gunasekera has many notable successes under her belt, sizeable recoveries under the False Claims Act, and has held companies accountable for fraudulent conduct that harmed important government programs such as Medicare and Medicaid. With deep health care fraud expertise, she has investigated, litigated, and settled cases involving all federal health care programs (Medicare, Medicaid, TRICARE, FEHB). Ms. Gunasekera is an expert on analyzing complex health care data sets, including Medicare and Medicaid payment data and trends, to identify potentially fraudulent practices. She has enforced anti-fraud laws and represented whistleblowers across industries: pharmaceutical manufacturers, health care providers, hospitals, physicians, physician groups, laboratories, managed care, pharmacies, hospice and nursing home providers, financial institutions, government suppliers, automotive, small businesses, and defense contractors. Many of her investigations involved parallel criminal proceedings and compliance and whistleblower programs of health care organizations, including those subjected to Corporate Integrity Agreements and oversight by Independent Review Organizations, as required by the U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG).

After graduating with her Master's in Public Administration from Ohio University, and from Georgetown University Law Center, Ms. Gunasekera practiced law at two international law firms. She acted as second chair during administrative trials and handled complex commercial litigation. Ms. Gunasekera also played a significant role on the team that represented the Enron Creditors Recovery Corp in the bankruptcy proceeding, successfully returning billions of dollars to creditors in the wake of the Enron scandal. Further, Ms. Gunasekera represented clients in pro bono matters, including the successful defense of an individual seeking asylum and as guardian ad litem for three children.

Education

J.D., Georgetown University Law Center, 2004

M.A., Ohio University, 2001

B.A, Ohio University, 2000

Bar Admissions

District of Columbia

Ohio

Memberships

Taxpayers Against Fraud Education Fund (TAFEF)

Federal Bar Association Qui Tam Section

Public Justice

Presentations & Publications

"Whistleblower Rewards 101" – Scottsdale (Arizona) Bar Association (March 9, 2021)

"Should the False Claims Act be Amended to Define Falsity?" - Federal Bar Association, Qui Tam Section (February 17, 2021)

Law review article: False Claims Act, the opioid crisis, whistleblowing, Emory University Law School, February 26, 2019

TYCKO & ZAVAREEI LLP

Renée Brooker

Partner

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Bringing 30 years of practice, knowledge, and expertise as a former prosecutor in a senior leadership position at the United States Department of Justice, Renée Brooker is now representing whistleblowers. While at the Department of Justice for over two decades, Ms. Brooker was responsible for billions of dollars in recoveries under whistleblower laws. As an accomplished and experienced attorney, Ms. Brooker has advised and represented whistleblowers under the False Claims Act (FCA), the Anti-Kickback Statute and Stark Law, FIRREA (bank fraud, mail, and wire fraud), the Financial Institutions Anti-Fraud Enforcement Act (FIAFE), and the Whistleblower Programs of the SEC, the CFTC, and the IRS.

As Assistant Director within the Civil Division of the United States Department of Justice, Ms. Brooker was responsible for sizeable recoveries and successful judgments under the False Claims Act, FIRREA, and civil RICO in almost every industry: pharmaceutical, health care, defense, financial services, government procurement, small business, insurance, tobacco products, and higher education.

Ms. Brooker received her law degree in 1990 from Georgetown University Law Center, and a B.S. degree in 1987 from Temple University. After graduating from Georgetown, Ms. Brooker served as a Law Clerk to Judge Noël Kramer in the District of Columbia for one year before joining the United States Department of Education as an attorney. Ms. Brooker was hired as part of the enforcement response to Congressional investigations of fraud in federal student aid programs affecting consumers and taxpayers. Prior to joining Tycko & Zavareei LLP in 2020, Ms. Brooker worked at another prominent whistleblower firm where she advised and represented whistleblowers while expanding the firm's whistleblower practice. Ms. Brooker also served as a member of the United States Department of Justice-appointed Independent Corporate Compliance Monitor and Auditor for Volkswagen under its Plea Agreement and Consent Decree with the United States Department of Justice.

Education

J.D., Georgetown University Law Center

B.S., Temple University

Bar Admissions

District of Columbia

Pennsylvania

Memberships

Taxpayers Against Fraud Education Fund (TAFEF)

Board Member, Federal Bar Association Qui Tam Section

National Employment Lawyers Association (NELA)

Awards

Department of Justice Commendation Award for recovering billions of dollars under the Big Lender Initiative, 2016

Council of the Inspectors General on Integrity and Efficiency Award for Excellence for $1.2 billion False Claims Act settlement with Wells Fargo, 2016

Department of Justice Award for "a record of outstanding actions and accomplishments," 2015

Attorney General's Award for Fraud Prevention, 2011

Department of Justice Award for prosecuting Big Tobacco under RICO, 2005

TYCKO & ZAVAREEI LLP

David W. Lawler

Of Counsel

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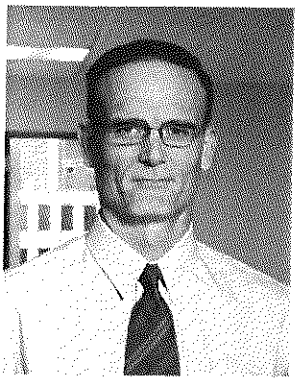
dlawler@tzlegal.com



Mr. Lawler joined Tycko & Zavareei LLP in January 2012. He has over twenty years of commercial litigation experience, including an expertise in eDiscovery and complex case management. At the firm Mr. Lawler has represented consumers in a numerous practice areas, including product liability, false labeling, deceptive and unfair trade practices, and antitrust class actions litigation.

Before joining Tycko & Zavareei LLP, Mr. Lawler was an associate in the litigation departments at McKenna & Cuneo LLP and Swidler Berlin Shereff Friedman LLP.

Among Mr. Lawler's career achievements include the co-drafting of appellate briefs which resulted in rare reversal and entry of judgment in favor of client, US Court of Appeals for the Fourth Circuit.

Mr. Lawler is a member of the District of Columbia Bar, as well as numerous federal courts.

Education

Creighton University School of Law, 1997

University of California, Berkeley School of Law, 1989

Bar Admissions

District of Columbia

Memberships

American Association for Justice

Public Justice

Representative Cases

In re Generic Pharmaceuticals Pricing Antitrust Litigation, MDL No. 2724 (E.D. Penn.) (complex price-fixing action)

Morgan v. Apple, Inc., Case No. 4:17-cv-5277(N.D. Cal.) (multimillion-dollar case alleging defects in high-end Powerbeats headphone)

In re Automotive Parts Antitrust Litigation, Master File No. 12-md-02311 (E.D. Mich.) (described by the Department of Justice as the largest antitrust case in history, recovering over $1.2 billion for classes)

TYCKO & ZAVAREEI LLP

Victoria Hoekstra

Staff Attorney

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vhoekstra@tzlegal.com

Victoria Hoekstra is highly skilled in e-Discovery. She was hired by Tycko & Zavareei LLP in 2018 to help with a custom's fraud case and later became a staff attorney. Currently she is working on a class action against Juul for marketing e-cigarettes to youth.

Victoria began her legal career at Paul, Hastings in Los Angeles. She moved to a small law firm and later became in-house counsel at an art store where she also ran an art education program. Victoria worked on many matters in these positions including business transactions, intellectual property rights and litigation involving accountant's malpractice, deceptive business practices, securities fraud and Elder Abuse.

In recent time, Victoria has worked on many e-Discovery projects related to large scale litigation and regulatory reviews by the DOJ, FTC, SEC, FDA and the DEA. Projects have involved breach of contract, personal injury, antitrust investigations (mergers and anti-competitive violations), anti-kickback violations, intellectual property, stock transactions, breaches of fiduciary duty and general fraud including fraudulent marketing related to the sale of opioids. Industries include pharmaceuticals, healthcare, ride-sharing platforms, telecommunications, retail, manufacturing, education, publishing, digital advertising, software development and implementation, data contracts, banking, insurance and government contracts. Victoria has also worked on compliance projects related to reviews by the DOJ and she had a long-term project answering search warrants, court orders and subpoenas related to Google products. In this capacity, Victoria helped law enforcement investigate critical crimes, but was also attentive to privacy laws.

Victoria is a Certified Public Accountant and prior to law school she worked as an auditor for a large CPA firm. Victoria was also a sole proprietor of an Internet bookstore for many years.

Victoria received a B.S. in Economics from University of California, Los Angeles. She received her Juris Doctorate from the University of California, Berkeley School of Law and she attended Oxford University (Christ Church) in England as a visiting scholar studying Philosophy.

Education

University of California, Berkeley School of Law, J.D., 1988

University of California Los Angeles College of Law, B.S. Economics, 1982

Bar Admissions

California

Memberships

Public Justice

CPA, California Public Accountancy

TYCKO & ZAVAREEI LLP

Mark A. Clifford

Associate

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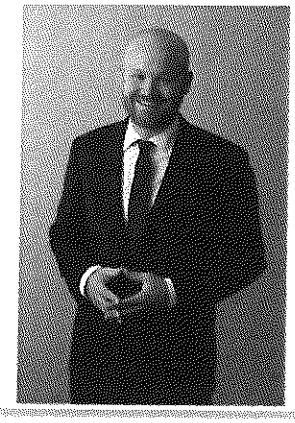


Mr. Clifford zealously represents plaintiffs in class action litigation challenging corporate greed and practices that place profits over people. He is actively litigating cases against financial institutions, big tobacco, and the insurance industry over fraudulent, unfair, and unlawful conduct that has harmed millions of consumers. He also is litigating a number of data breach cases, in which the personal information of millions of innocent victims was stolen due to the lax security practices of major corporations. In addition to his consumer protection practice, Mr. Clifford represents whistleblowers who come forward with information about fraud on government programs.

Prior to joining Tycko & Zavareei LLP in 2019, Mr. Clifford was an Associate in the Washington, D.C. office of Covington & Burling LLP, one of the nation's top defense-side firms. He uses his knowledge of how the other side operates to advance the interests of clients harmed by corporate wrongdoing. During his time at Covington, Mr. Clifford represented corporations in complex litigation and government investigations, including matters involving whistleblower allegations in the healthcare and technology industries. He also maintained an active *pro bono* practice, representing indigent defendants in immigration and criminal matters.

Mr. Clifford graduated *magna cum laude* from Georgetown University Law Center in 2015. While in law school, he was an Executive Editor of the Georgetown Law Journal. Following law school, Mr. Clifford clerked for the Honorable Catherine C. Blake of the United States District Court for the District of Maryland. Prior to law school, he worked on several political campaigns following his graduation with honors from the University of Georgia in 2009 with a Bachelor of Arts in International Affairs and a Master of Public Administration.

Mr. Clifford is admitted to practice law in the District of Columbia, Maryland, the United States District Court for the District of Maryland, and the United States Court of Appeals for the Fourth Circuit.

Education

Georgetown University Law Center, 2015 *magna cum laude*

University of Georgia, 2009

Bar Admissions

District of Columbia

Maryland

Memberships

American Constitution Society

LGBT Bar Association of the District of Columbia

Public Justice

Awards

Medina S. and John M. Vasily Endowed Scholarship (GULC)

Law Center Scholar (GULC)

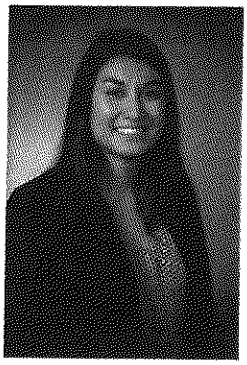
CALI Award – Contracts (GULC)

Presentations & Publications

Georgetown Law Journal, Executive Editor (2014 – 2015)

Co-Author, "The LGBT Community" in *Divide, Develop, and Rule: Human Rights Violations in Ethiopia*, UW College of Law (2018)

TYCKO & ZAVAREEI LLP



Mallory Morales

Associate

510.254.6808
mmorales@tzlegal.com

Mallory Morales graduated magna cum laude from Boston University in 2013, with a degree in Anthropology and Religion. After graduation she worked at the Massachusetts Attorney General's Office as a mediator for its consumer advocacy division, and then as a paralegal in the division of open government.

She earned her law degree from the University of California, Berkeley School of Law in 2018, where she was elected Editor-in-Chief of the California Law Review. While in law school Ms. Morales also participated in La Raza Law Students' Association, Women of Color Collective, La Raza Law Journal, and First Generation Professionals. She interned for the East Bay Community Law Center and externed for the Honorable William H. Alsup on the United State District Court, Northern District of California.

Prior to joining Tycko & Zavareei LLP in 2020, Ms. Morales practiced commercial litigation at Morrison & Foerster LLP in San Francisco. She maintained a pro bono practice in civil rights litigation and indigent criminal defense.

Ms. Morales is admitted to the State Bar of California and the bars of the United States District Courts for the Northern District of California and Eastern District of California.

Education

University of California, Berkeley School of Law, 2018

Boston University, 2013, *manga cum laude*

Bar Admissions

California

TYCKO & ZAVAREEI LLP

Dia Rasinariu

Associate

202.973.0900
drasinariu@tzlegal.com

Dia Rasinariu graduated *cum laude* from Harvard Law School in 2016. While in law school, Ms. Rasinariu served as an Executive Editor of the *Harvard Law Review*. She was also a member of HLS Lambda. Following law school, Ms. Rasinariu clerked for the Honorable Diana Gribbon Motz on the United States Court of Appeals for the Fourth Circuit. Ms. Rasinariu earned her Bachelor of Arts, with distinction, from Cornell University in 2011, with majors in Government and in Economics.

Prior to joining Tycko & Zavareei LLP in 2021, Ms. Rasinariu was a litigation associate in the Washington, D.C. office of Jones Day. Ms. Rasinariu maintained an active pro bono practice, representing clients on civil rights, asylum, and domestic violence matters.

Ms. Rasinariu is a member of the District of Columbia and Illinois state bars. She is also admitted to practice before the United States District Court for the District of Maryland and the United States Courts of Appeals for the Fourth and Sixth Circuits.

Education

Harvard Law School, 2016
cum laude

Cornell University, 2011
with distinction

Bar Admissions

Illinois
District of Columbia

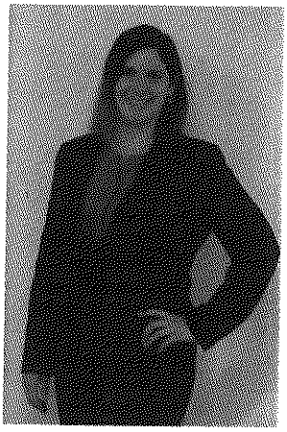
Memberships

Public Justice

Awards

Super Lawyers, Rising Star 2020

TYCKO & ZAVAREEI LLP



Lauren Kuhlik

Associate

202.973.0900
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Prior to joining Tycko & Zavareei in 2021, Lauren Kuhlik was a fellow at the National Prison Project of the American Civil Liberties Union, where she engaged in litigation and other advocacy to stop unconstitutional and illegal practices by prison and jail administrators and ICE. She focused on improving conditions of confinement for pregnant and postpartum people, as well as fighting to eliminate the inhumane practice of solitary confinement. During the COVID-19 crisis, Ms. Kuhlik maintained an extensive habeas practice seeking to secure the release of detained individuals with medical vulnerabilities.

Ms. Kuhlik graduated cum laude from Harvard Law School in 2017. She also received a Masters in Public Health from the Harvard T.H. Chan School of Public Health in 2017. Following law school, Ms. Kuhlik clerked for the Honorable Stephen Glickman of the District of Columbia Court of Appeals. She has published articles regarding the treatment of pregnant incarcerated people in the Harvard Law and Policy Review and the Harvard Civil Rights-Civil Liberties Law Review. Ms. Kuhlik has also published about gender and incarceration in USA Today and Ms. Magazine, among others.

Education

Harvard Law School, 2017 *Cum Laude*

Harvard T.H. Chan School of Public Health, M.P.H., 2017

Wesleyan University, BA in Philosophy with Honors, 2011

Bar Admissions

District of Columbia

Virginia (inactive)

Memberships

Public Justice

Publications & Presentations

National Abortion Federation Annual Meeting (2021)

Pregnancy, Systematic Disregard and Degradation, and Carceral Institutions, Harvard Law & Policy Review (2020)

Harvard Law & Policy Review Fall Symposium (2019)

Society of Family Planning Annual Meeting (2019)

George Mason University Law School Civil Rights Law Journal Symposium (2019)

Pregnancy Behind Bars: The Constitutional Argument for Reproductive Healthcare Access in Prison, Harvard Civil Rights & Civil Liberties Law Review (2017)

TYCKO & ZAVAREEI LLP

Allison W. Parr

Associate

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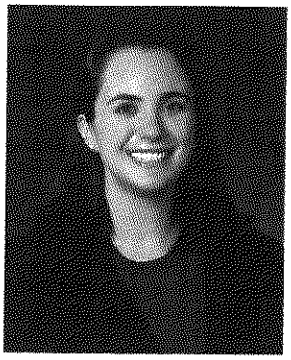

Prior to joining Tycko & Zavareei in 2021, Allison W. Parr was an associate in the Washington, D.C. office of Mayer Brown LLP, where she represented corporations in complex commercial litigation, including cases involving unfair competition and false advertising claims. Previously, Ms. Parr was a litigation associate in the New York office of Kramer Levin Naftalis & Frankel LLP, where she maintained an active pro bono practice in LGBTQ civil rights.

Ms. Parr graduated from the Georgetown University Law Center in 2018, where she served as the Articles and Notes Editor for the Food and Drug Law Journal. During law school, Ms. Parr externed for the Commercial Litigation Branch, Fraud Section of the Department of Justice, where she assisted with cases involving allegations of fraud against the government. Ms. Parr received her Bachelor of Music from the Peabody Institute of the Johns Hopkins University in 2013.

Ms. Parr is admitted to practice in New York and the District of Columbia.

Education

Georgetown University, 2018

John Hopkins University, 2013
Dean's List with High Honors

Bar Admissions

New York
District of Columbia

Memberships

Public Justice

Presentations & Publications

Agribusiness and Antibiotics: A Market-Based Solution, 73 Food & Drug L.J. 338 (2018)

TYCKO & ZAVAREEI LLP

Glenn Chappell

Associate

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gchappell@tzlegal.com

Glenn Chappell is an associate in the Washington, D.C. office. Prior to joining Tycko & Zavareei, he was an associate in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, one of the nation's most prestigious defense-side firms. During his time at Gibson Dunn, Mr. Chappell represented corporations in complex litigation at the trial and appellate levels, including the United States Supreme Court. He also maintained an active pro bono practice that focused on police and sentencing reform.

Mr. Chappell graduated summa cum laude from Duke University School of Law in 2017, where he served as Managing Editor of the *Duke Law Journal* and Senior Research Editor of the *Duke Law & Technology Review*. While in law school, he dedicated more than 450 hours to pro bono work.

After graduating law school, Mr. Chappell clerked for the Honorable Gerald Bard Tjoflat of the United States Court of Appeals for the Eleventh Circuit and the Honorable Anthony J. Trenga of the United States District Court for the Eastern District of Virginia. Before law school, he worked as a manager in the manufacturing industry. He graduated with honors from Saint Leo University, earning a Bachelor of Arts in Business Administration. His legal scholarship has appeared in multiple publications, including the *Duke Law Journal* and the *University of Richmond Law Review*.

Education

Duke University School of Law, 2017
Summa Cum Laude, Order of the Coif

Saint Leo University, 2011 *Cum Laude*

Bar Admissions

District of Columbia

Virginia

Memberships

Order of the Coif

Virginia Equality Bar Association

American Constitution Society

Virginia Bar Association

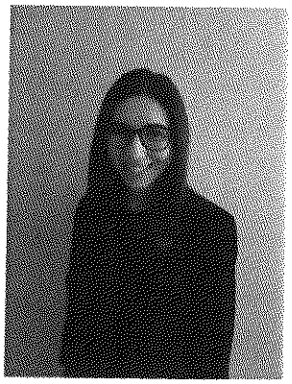
Publications

The Historical Case for Constitutional "Concepts", 53 UNIVERSITY OF RICHMOND LAW REVIEW 373 (2019)

Health Care's Other "Big Deal": Direct Primary Care Regulation in Contemporary American Health Law, 66 DUKE LAW JOURNAL 1331 (2017)

Seeking Rights, Not Rent: How Litigation Finance Can Help Break Copyright's Precedent Gridlock, 15 DUKE LAW & TECHNOLOGY REVIEW 269 (2017)

TYCKO & ZAVAREEI LLP



Leora N. Friedman

Fellow

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Leora Friedman received her J.D. from Georgetown University Law Center in 2020.

At Georgetown Law, Leora obtained diverse legal experience through experiential courses led by the O'Neill Institute for National and Global Health Law and by the Institute for Constitutional Advocacy and Protection. In addition, she authored papers proposing new legal frameworks for addressing the negative health impacts of electronic cigarettes and improving pandemic preparedness through writing-intensive coursework.

During law school, Leora also served as an intern for the Department of Justice's Office of Vaccine Litigation and its Consumer Protection Branch. She was an Executive Editor for the Georgetown Environmental Law Review, which published her note "Recommending Judicial Reconstruction of Title VI to Curb Environmental Racism: A Recklessness-Based Theory of Discriminatory Intent."

Previously, Leora was the Rockefeller Foundation's Princeton Project 55 Fellow from 2014-2015 and, thereafter, aided international health advocacy campaigns at Global Health Strategies.

She graduated from Princeton University with an A.B. in Politics in 2014.

Education

Georgetown University Law Center, 2020

Princeton University, 2014

Bar Admissions

District of Columbia

Memberships

Public Justice

Executive Editor, Georgetown Environmental Law Review, 2019–2020

Publications

Recommending Judicial Reconstruction of Title VI to Curb Environmental Racism: A Recklessness-Based Theory of Discriminatory Intent, 32 GEO. ENV'T L. REV. 421 (2020)

TYCKO & ZAVAREEI LLP

Jaclyn S. Tayabji

Fellow

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jtayabji@tzlegal.com

Jaclyn Tayabji is the 2021-2023 Public Interest Fellow at Tycko & Zavareei LLP. Jaclyn received her J.D. *magna cum laude* from Boston University School of Law in 2021. While in law school, Jaclyn embraced experiential learning opportunities and consistently utilized her legal skills to promote the public interest. Jaclyn completed a legal internship in the Consumer Protection Division of the Massachusetts Attorney General's Office and a judicial externship with the Honorable Vickie L. Henry on the Massachusetts Appeals Court. As a Student Attorney in the Access to Justice Civil Litigation Clinic, Jaclyn represented low-income clients in various civil disputes, including defending tenants in summary process evictions and facilitating discovery production in a federal employment discrimination case.

In law school, Jaclyn served as an Editor for the *Boston University Law Review* and was elected to leadership positions in the Middle Eastern & South Asian Law Students Association, the International Law Society, and the Public Interest Project. Jaclyn was also selected to serve on the Public Interest Committee alongside fellow students, faculty, and staff to review the policies and programs related to public service offerings at Boston University School of Law and to advocate for institutional resources.

Jaclyn received her B.A. in International Studies and African Studies from Emory University in 2016. Prior to law school, Jaclyn served with the Peace Corps in Malawi and subsequently worked as a Recovery Coach through the inaugural AmeriCorps-Police Assisted Addiction & Recovery Initiative program.

Education

Boston University School of Law, 2021, *magna cum laude*

Emory University, 2016

Bar Admissions

Memberships

Public Justice

Awards

Public Interest Scholar, Boston University School of Law

Sylvia Beinecke Robinson Award, Boston University School of Law

Paul J. Liacos Scholar, Boston University School of Law

G. Joseph Tauro Distinguished Scholar, Boston University School of Law

Deans Award (Torts), Boston University School of Law

Presentations & Publications

Rehabilitation Under the Rehabilitation Act: The Case for Medication-Assisted Treatment in Federal Correctional Facilities, 101 B.U. L. REV. ONLINE 79 (2021)

Boston University Law Review, Editor

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **No.: 1:20-cv-4129-LJL** **No.: 1:20-cv-4077-LJL** **No.: 1:20-cv-4362-LJL** **No.: 1:20-cv-5070-LJL**

DECLARATION OF MATTHEW R. WILSON IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Matthew R. Wilson, hereby declare and state as follows:

1. I am a principal in the firm of Meyer Wilson Co., LPA, one of the law firms representing Plaintiffs in this Action.[1]

2. Meyer Wilson is counsel for the plaintiff in *Burns v. Deloitte Consulting LLP*, No. 1:20-cv-4077, one of the consolidated cases in this action. I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

3. Meyer Wilson has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. In addition to myself, I was assisted by Michael J. Boyle, an attorney at Meyer Wilson, and Jared Connors, formerly a law clerk and now an attorney at Meyer Wilson.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On May 27, 2020, Plaintiff Janet Burns, represented by Meyer Wilson and co-counsel, filed a class action complaint against Deloitte. (No. 1:20-cv-4077, Compl., ECF 1.) On May 29, 2020, Plaintiff Melissa Alexander filed a Class Action Complaint against Deloitte. (No. 1:20-cv-04129-LJL, Compl., ECF 1.) Plaintiff Alexander filed a Statement of Relatedness to the *Culbertson* matter on the same day. (*Id.*, ECF 4.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Meyer Wilson has actively participated in this case, including, but not limited to: (1) case investigation; (2) drafting of the complaints; (3) legal research; and (4) participating in case strategy conferences and decisions. Thus, I am fully familiar with the proceedings.

8. Additionally, Meyer Wilson participated in calls with Class Counsel. During these calls, various aspects of this Action were discussed.

II. MEYER WILSON'S LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by Meyer Wilson for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, Meyer Wilson has worked diligently to perform tasks in this litigation, including initial case investigation, filing of the initial Complaint, legal research, and discovery.

10. Before initiating any action, Class Counsel conducted a thorough investigation of the claims, both legal and factual. Specifically, Meyer Wilson thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 8, 2021, for Meyer Wilson's attorneys, paralegal, and then-law clerk (using his law clerk rate):

Attorney	**Total Hours**	**Hourly Rate**	**Amount**
Matthew R. Wilson	33.8	$615	$20,787.00
Michael J. Boyle	12.2	$475	$5,795.00
Law Clerk	**Total Hours**	**Hourly Rate**	**Amount**
Jared W. Connors	7.3	$200	$1,460.00
Paralegal	**Total Hours**	**Hourly Rate**	**Amount**
Tiffany L. Rucker	3.1	$150	$465.00
Total:	**56.4**		**$28,507.00**

This summary was prepared from contemporaneous, daily time records regularly prepared and maintained by Meyer Wilson.

12. The attorneys of Meyer Wilson billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with, or lower than, the prevailing market rates

attorneys of comparable experience and skill handling complex litigation. *See, e.g.*, *John Doe One et al. v. Caremark, LLC*, No. 2:18-cv-238-EAS, Dkt. No. 101, at ¶ 16 (S.D. Ohio January 30, 2020) ("The Court has considered the hourly rates submitted by counsel, the number of hours spent on this case, and the percentage of the Settlement Fund requested, and the Court finds these amounts to be fair and reasonable."); *Steinfeld v. Discover Financial Services, et al*., 3:12-cv-01118-JSW (N.D. Cal. Apr. 2, 2014) (approving 3.5 lodestar multiplier cross-check in common fund settlement and finding that "[c]lass counsel have submitted declarations that show the hourly rates that they have requested are reasonable").

13. During the course of this Action, Meyer Wilson incurred $611.28 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of Meyer Wilson and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Court Costs, Filing Fees and Transcripts	$546.26
Delivery/Courier	$65.02
TOTAL	**$611.28**

14. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. MEYER WILSON HAS A LENGTHY HISTORY REPRESENTING CONSUMERS

15. Meyer Wilson has a lengthy history of representing consumers, employees, and other clients in class action and other litigation. A true and correct copy of the Meyer Wilson Firm Resume is attached as Exhibit A.

16. As a named principal at the Columbus office of Meyer Wilson, I have worked diligently on behalf of the Settlement Class Members in this matter. I have litigated a diverse body of class actions, including consumer protection, product defect, invasion of privacy, securities fraud, and Fair Credit Reporting Act claims.

17. I graduated from Denison University, magna cum laude, in Philosophy in 1997, before graduating from the University of Virginia School of Law in 2000. I came to Meyer Wilson (then called Meyer & Associates Co., LPA) in 2006 as an associate and was promoted to named principal of the firm in 2012. Prior to coming to Meyer Wilson, I worked as an attorney at Jones Day in its Columbus office, where I defended class actions and litigated other complex civil cases. I was the chair of the Class Action Committee of the Central Ohio Association for Justice from 2007 until 2018. I was recognized this year and for the last several years as an Ohio "Super Lawyer." This year, I was named the "Lawyer of the Year – Class/Mass Actions" for my geographic area. I have been a member of the Class Action Preservation Project with Public Justice. In addition to the California and Ohio state bars, I am also admitted to the Sixth, Seventh, Ninth, and Eleventh Circuit Courts of Appeals; and to the Central, Eastern, Northern, and Southern Districts of California; the Northern and Southern Districts of Ohio; the Central and Northern Districts of Illinois; and the Eastern and Western Districts of Wisconsin. I have practiced on a *pro hac vice* basis in many other federal and state courts throughout the country.

As set forth below and in Exhibit A, I have significant experience in litigating consumer class actions, and privacy actions in particular.

18. In many of these matters, I have been assisted by Michael J. Boyle, Jr., an associate attorney at Meyer Wilson. Mr. Boyle graduated *cum laude* from the University of Pennsylvania School of Law in 2008. Mr. Boyle clerked for the Honorable R. Guy Cole, Jr., of the United States Court of Appeals for the Sixth Circuit and worked at the international law firm Covington & Burling, LLP, prior to coming to work at Meyer Wilson in early 2013. Since coming to the firm, Mr. Boyle has worked primarily with me on our firm's class action cases. In 2019, Mr. Boyle was recognized as an Ohio "Super Lawyer," and in 2014, 2016 and 2017 an Ohio "Super Lawyer" Rising Star. Mr. Boyle is admitted to and in good standing in the bars of California and Ohio, as well as the Sixth, Seventh, Ninth, and Eleventh Circuit Courts of Appeals, the Northern, Eastern, Central, and Southern Districts of California, the Southern District of Ohio, the Central District of Illinois, and the Eastern and Western Districts of Wisconsin.

19. Jared Connors worked on this case during his time as a law clerk at Meyer Wilson; he is now an attorney with the firm. Mr. Connors received his B.A., *magna cum laude*, in history from Northern Illinois University in 2018, and he graduated from The Ohio State University Moritz College of Law in 2021. During law school, he was an articles editor for the *Ohio State Law Journal* and won Best Brief at the 2019 Herman Moot Court Competition. Mr. Connors is also a member of the Ohio Association for Justice and the Ohio State Bar Association.

IV. MEYER WILSON HAS ACHIEVED SIGNIFICANT CONSUMER RECOVERIES

20. Meyer Wilson has the experience, resources, and ability to adequately represent the Settlement Class Members in this class action lawsuit.

21. Meyer Wilson's firm resume reflects that the attorneys in this case have successfully adjudicated some of the largest class action lawsuits in the United States and have

obtained hundreds of millions of dollars in settlements and verdicts in privacy cases, of which the following is a sample:

a. *Grogan v. Aaron's, Inc*., No. 1:18-cv-02821-AT (N.D. Ga.) Class Counsel in nationwide class action alleging unauthorized autodialer calls to cell phones. Final approval of an $2.175 million cash settlement was granted October 2020.

b. *John Doe One et al. v. Caremark, LLC*, No. 2:18-cv-238—EAS (S.D.Ohio). Class counsel in a putative class of HIV-positive patients who had their personal medical information exposed in a mailing. Settlement of the $4.4 million cash settlement was approved in January 2020.

c. *In re Capital One Telephone Consumer Litig.*, Master Docket 1:12-cv-10064 (N.D. Ill.). Class Counsel in MDL proceeding involving privacy violations from autodialed and prerecorded message calls to cells phone by Capital One and several of its vendors. The case settled on a nationwide basis for over $75.5 million, the largest TCPA settlement ever at that time. Final approval, which I argued, was granted in February 2015.

d. *Mills v. HSBC Bank Nevada, N.A., et al*., No. 3:12-cv-04010 (N.D. Cal.). Class Counsel in nationwide class action alleging privacy violations from autodialer calls to cell phones. Final approval, which I argued, of the $39.975 million cash settlement was approved in February 2015.

e. *Cross v. Wells Fargo Bank, N.A.*, No. 1:15-cv-1270 (N.D. Ga.). Class Counsel in nationwide class settlement of privacy violations from autodialer calls to customers and non-customers in connection with deposit accounts. Final approval of the $30.6 million cash settlement was approved in February 2017.

f. *Markos v. Wells Fargo Bank, N.A.*, No. 1:15-cv-1156 (N.D. Ga.). Class Counsel in nationwide class settlement of privacy violations from autodialer debt collection calls to customers and non-customers in connection with mortgage accounts. Final approval of $16.4 million cash settlement was approved January 2017.

g. *Luster v. Wells Fargo Dealer Services*, No. 1:15-cv-1058 (N.D. Ga.). Class Counsel in case alleging privacy violations from autodialer debt collection calls to customers and non-customers in connection with auto loans. Final approval of a $14.8 million cash settlement was granted December 2017.

h. *Ossola, et al. v. American Express Co., et al.*, No. 1:13-CV-4836 (N.D. Ill.). Class Counsel in nationwide class settlement alleging privacy violations from autodialer calls to cell phones. Final approval of $8.7 million cash settlement was approved December 2016.

i. *Franklin v. Wells Fargo Bank, N.A.*, No. 14-cv-2349-MMA (S.D. Cal.). Class Counsel in a nationwide class settlement of privacy violations from autodialer calls to cell phones. Final approval, which I argued, of the $13.89 million cash settlement was approved in January 2016.

j. *Arthur, et al. v. Sallie Mae, Inc*., No. C10-0198 JLR (W.D. Wash.) Nationwide class settlement of $24.15 million; at the time the largest ever TCPA class settlement; final approval granted in 2012.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: 11/22/2021

/s/ Matthew R. Wilson
Matthew R. Wilson

MeyerWilson

The Martindale-Hubbell AV-rated law firm of Meyer Wilson Co., LPA, is devoted to prosecuting consumer and securities class actions, representing patients harmed by dangerous drugs and medical devices, and representing investors with claims against the securities industry. The firm prosecutes individual cases and class actions nationwide on behalf of individuals in arbitration and in court. Since its inception, Meyer Wilson has achieved jury verdicts, arbitration awards, and settlements with a combined value of hundreds of millions of dollars on behalf of its clients.

Meyer Wilson has prosecuted numerous nationwide class actions as court-appointed Lead and Co-Lead Class Counsel in federal and state courts throughout the country, including one class action that resulted in what is believed to be the largest jury verdict in Ohio's history at that time and was also reported to be the country's largest securities class action jury verdict in history. In that case, the firm's founding principal David Meyer was appointed Co-Lead Class Counsel action against Prudential Securities. The firm represented more than 250 investors from Marion, Ohio. The jury trial lasted several weeks and the jury returned a Plaintiffs' verdict in excess of $261 million. The case was *Burns, et al. v. Prudential Securities, Inc.*, Case No. 99CV0438, in the Court of Common Pleas of Marion County, Ohio. The case was pending for more than seven years. Following an appeal, Class Members received in excess of 100% recovery of their actual losses, even after payment of attorneys' fees and expenses.

As part of its service to consumers, Meyer Wilson has been a leader in protecting the privacy interests of consumers and patients by holding corporations accountable for illegal and invasive mass calling campaigns, as well as data breaches and other similar violations.

Meyer Wilson has been appointed class counsel in numerous class actions that have resulted in significant recoveries. Successes in class actions matters in which Meyer Wilson served as Lead or Co-Lead counsel include:

- *Grogan v. Aaron's, Inc.*, No. 1:18-cv-2821-JPB (N.D. Ga.) (Class counsel in a nationwide class action alleging TCPA violations to non-customers. Final approval of the $1.75 million settlement was approved in October 2020).

- *Brown & Szaller Co., LPA v. Waste Mgmt. of Ohio*, No. CV-16-859588 (Ohio C.P. Cuyahoga Cnty.) (Class counsel on behalf of business customers of Waste Management in Ohio, alleging overcharges. Class settlement of $30.5 million was approved August 2020).

- *John Doe v. CVS Health Corp. et al.*, No. 2:18-cv-00488 (S.D. Ohio) (Class counsel in a class action alleging illegal disclosure of HIV status of patients as part of a mass mailing. Final approval, argued by Meyer Wilson principal

Matthew R. Wilson, of the $4.4 million cash settlement was approved in February, 2020).

- *DeCapua v. MetLife Inc.*, No. 1:18-cv-00590-WES-LDA (D.R.I.) (Class Counsel in nationwide class action alleging TCPA violations from autodialer text messages to cell phones. Court granted final approval to $850,000 settlement on Sept. 3, 2021).

- *Woodrow v. Sagent Auto, LLC*, No. 2:18-cv-01054-JPS (E.D. Wisc.) (Class Counsel in nationwide class action alleging TCPA violations from autodialer calls to cell phones. Final approval of the $1.75 million settlement was approved in November 2019).

- *Rice-Redding et al. v. Nationwide Mut. Auto. Ins. Co.*, No. 1:16-cv-03634-TCB (N.D. Ga.) (Class Counsel in nationwide class action alleging TCPA violations from autodialer calls to cell phones. Final approval of the $5 million settlement was approved in August 2019).

- *Luster v. Wells Fargo Dealer Servs.*, No. 1:15-cv-1058 (N.D. Ga.) (Class Counsel in case alleging TCPA violations from autodialer debt collection calls to customers and non-customers in connection with auto loans. Final approval of the $14.8 million cash settlement was granted December 2017).

- *Prather v. Wells Fargo Bank, N.A.*, No. 1:15-cv-4231 (N.D. Ga.) (Class Counsel in case alleging TCPA violations from autodialer debt collection calls to customers and non-customers in connection with student loans. Final approval of the $2 million cash settlement was granted August 2017).

- *Cross v. Wells Fargo Bank, N.A.*, No. 1:15-cv-1270 (N.D. Ga.) (Class Counsel in nationwide class settlement of TCPA violations from autodialer calls to customers and non-customers in connection with deposit accounts. Final approval of $30.6 million cash settlement was approved February 2017).

- *Markos v. Wells Fargo Bank, N.A.*, No. 1:15-cv-1156 (N.D. Ga.) (Class Counsel in nationwide class settlement of TCPA violations from autodialer debt collection calls to customers and non-customers in connection with mortgage accounts. Final approval of $16.4 million cash settlement was approved in January 2017).

- *Smith v. State Farm, et al.*, No. 1:13-cv-02018 (N.D. Ill.) (Class Counsel in nationwide class settlement alleging TCPA violations from autodialer telemarketing calls by or on behalf of several large insurance companies to millions of cell phones. Final approval of approximately $7 million cash settlement (with no claims process) was approved December, 2016).

- *Ossola, et al. v. American Express Co., et al.*, No. 1:13-CV-4836 (N.D. Il.) (Class Counsel in nationwide class settlement alleging TCPA violations from autodialer calls to cell phones. Final approval of $8.7 million cash settlement was approved December 2016).

- *Franklin v. Wells Fargo Bank, N.A.*, No. 14-cv-2349-MMA (S.D.Cal.) (Class Counsel in a nationwide class settlement of TCPA violations from autodialer calls to cell phones. Final approval, argued by Meyer Wilson principal Matthew R. Wilson, of the $13.89 million cash settlement was approved in January 2016).

- *Bayat v. Bank of the West*, No. 3:13-cv-02376-EMC (N.D. Cal.) (Class Counsel in putative nationwide class alleging TCPA violations from autodialer calls to cell phones. Settlement of $3.35 million cash settlement approved in April 2015).

- *Connor v. JPMorgan Chase Bank*, No. 10 CV 1284 DMS BGS (S.D. Cal. Mar. 12, 2012) (Class Counsel in nationwide class alleging TCPA violations from autodialer calls to cell phones. Settlement of $11.67 million was granted final approval granted in early 2015).

- *In re Capital One Telephone Consumer Litig.*, No. 1:12-cv-10064 (N.D. Il) (Class Counsel in MDL proceeding involving autodialed and prerecorded message calls to cells phone by Capital One and several of its vendors in violation of the Telephone Consumer Protection Act. The case settled on a nationwide basis for over $75.5 million, the largest TCPA settlement in the nearly 30-year history of that statute. Final approval, which was argued by Meyer Wilson principal Matthew R. Wilson, was granted in February 2015.).

- *Mills v. HSBC Bank Nevada, N.A., et al*., No. 3:12-cv-04010 (N.D. Cal.) (Class Counsel in nationwide class action alleging TCPA violations from autodialer calls to cell phones. Final approval, which was argued by Meyer Wilson principal Matthew R. Wilson, of the $39.975 million cash settlement was approved in February 2015.).

- *Wannemacher v. Carrington Morg. Servs., LLC*, No. 8:12-cv-2016-FMO-AN (C.D. Cal.) (Co-Lead Class Counsel in nationwide class action alleging TCPA violations from autodialer calls to cell phones. On December 23, 2014, the Court approved the $1.03 million class settlement.).

- *Lazebnik v. Apple, Inc.*, No. 5:13-cv-04145-EJD (N.D. Cal.) (Co-Lead Class Counsel in nationwide class action alleging fraudulent marketing of a "season pass" of the television show *Breaking Bad* on Apple's iTunes service. In response to the lawsuit, Apple provided a full credit to the entire proposed class. On October 21, 2014, the parties settled all remaining issues.).

- *Yarger, et al. v. ING Bank FSB*, No. 1:11-cv-00154-LPS (D. Del.) (Co-Lead Class Counsel in nationwide class action alleging misrepresentations related to marketing of mortgage note modifications. A 10-state class was certified in 2012. On October 7, 2014, final approval, which was argued by Meyer Wilson principal Matthew R. Wilson, was granted to the $20.3 million class settlement.).

- *Steinfeld v. Discover Fin. Servs.*, No. 3:12-cv-01118-JSW (N.D. Cal.) (Counsel for the class in action alleging TCPA violations from autodialer calls to the cell phones. On March 31, 2014, the court approved an $8.7 million class settlement.).

- *Rose v. Bank of America Corp., et al.*, No.5:11-cv-2390 (N.D. Cal.) (Class Counsel in putative nationwide class action alleging TCPA violations from autodialer calls to cell phones. The $32 million cash settlement, the largest TCPA class settlement ever at the time, was approved in 2014.).

- *Arthur v. Sallie Mae, Inc*., No. C10-0198 (W.D. Wash) (Co-Lead Class Counsel in putative nationwide class action alleging TCPA violations from autodialer calls to the cell phones of borrowers who took out student loans with the national lender. The $24.15 million nationwide settlement was granted final approval on September 17, 2012. It was, at the time, the largest TCPA settlement since that statute was enacted.).

- *Smith v. Regents of the Univ. of Cal.*, No. RG08-410004 (Cal. Sup. Ct., Alameda Cnty.) (Co-Lead Counsel in California statewide action alleging breaches of medical data privacy. In what was one of the first successful class action cases under California's Confidentiality of Medical Information statute, the class was certified on July 9, 2009, and the case was settled in late 2011).

- *Mack v. hh gregg, Inc., et al.*, No. 1:08-cv-664 (S.D. Ind.) (Co-Lead Counsel in putative class action involving alleged incorrect installation of dryers. Nationwide class settlement was granted final court approval on March 18, 2011.).

- *Kaiser-Flores v. Lowe's Home Centers, Inc.*, No. 5:08-CV-00045 (W.D.N.C.) (Co-Lead Counsel in putative class action involving alleged incorrect installation of dryers. Nationwide class settlement, including cash relief for class members, was granted final court approval on December 15, 2010.).

- *Frankle v. Best Buy Stores, L.P.*, No. 08-5501 (D. Minn.) (Co-Lead Counsel in putative class action involving alleged incorrect installation of dryers. Nationwide class settlement was granted final court approval on November 9, 2010.).

- *Sanbrook v. Office Depot, Inc.*, No. 07CV096374 (N.D. Cal.) (Co-Lead Class Counsel in California statewide certified class action involving misleading service plan terms and other related issues. The case settled for cash relief for class members, and was granted final approval by the Court on November 23, 2010.).

- *Stout v. Jeld Wen, Inc.*, No. 1:08-CV-652 (N.D. Ohio) (Lead Class Counsel in nationwide class action alleging defective windows. Final approval, argued by Meyer Wilson principal Matthew R. Wilson, was granted to the nationwide settlement on August 8, 2010.).

- *Fulford v. Logitech, Inc.*, No. 08-cv-02041 (N.D. Cal.) (Co-Lead Class Counsel in class action alleging deceptive advertising of a consumer product. The nationwide class action settlement was granted final court approval on March 5, 2010.).

- *Schweinfurth, et al. v. Motorola, Inc.*, No. 1:05-CV-0024 (N.D. Ohio) (Co-Lead Class Counsel in nationwide class action alleging defective cellular phones, resulting in nationwide settlement with cash relief for class members, approved by the Court on January 25, 2010.).

- *Steele v. Pergo, Inc.*, No. CV07-1493 (D. Oregon) (Lead Class Counsel in class action alleging defective laminate flooring. The nationwide settlement was granted final court approval, which was argued by Meyer Wilson principal Matthew R. Wilson, on July 7, 2009.).

- *Jenkins v. Hyundai Motor Fin. Co.*, Case No. 2:04-cv-00720 (S.D. Ohio) (Appointed Co-Lead Class Counsel in a certified class action alleging defective notices in connection with the repossession and subsequent disposition of vehicles. The case settled after certification, and was approved by the Court on July 7, 2009.).

- *Guiseppone v. Wendy's Int'l, Inc., et al.*, No. 08-CVC-4-6219 (Ohio Ct. C.P. Franklin Cnty.) (Liaison Counsel in the derivative and class action suit involving the sale of Wendy's to the parent company of Arby's. The nationwide class action settlement was approved by the Court on July 1, 2009.).

- *In Re Apple iPod Nano Prod. Liab. Litig.*, No. M: 06-cv-01754-RMW (N.D. Cal.) (Co-Lead Counsel in the Multi-District Litigation proceeding in which nationwide class actions allege that screens on Ipod Nanos were susceptible to excessive scratching under normal use and were therefore defective. A nationwide settlement of the related case in state court, including cash relief for consumers, was granted final approval by the Court on April 28, 2009.).

- *Health Science Prods. LLC. v. Sage Software SB, Inc.*, No. 1:05-CV-03329-RWS (N.D. Ga.) (Co-Lead Class Counsel in nationwide class action settlement involving allegedly defective software. Settlement included cash relief for Class Members. It was approved by the Court on April 24, 2008.).

- *Wiatrowski, et al. v. Sears, Roebuck & Co., et al.*, No. 1:06-CV-00637 (N.D. Ohio) (Co-Lead Counsel in a nationwide class action settlement that provided cash reimbursement of Class Members for out of pocket losses. The court granted final approval on December 20, 2007.).

- *Bowen, et al. v. Whirlpool Corp., et al.*, No. CV05-8067 (C.D. Cal.) (Co-Class Counsel in nationwide class action alleging defective water heaters. Final approval was granted in the nationwide class settlement on October 11, 2007.).

- *Opperman, et al. v. Cellco P'ship, et al.*, No. BC326764 (Cal. Sup. Ct. Los Angeles Cnty.) (Nationwide settlement approved in 2006. Provided, *inter alia,* for the option to return improperly marketed cellular telephone for a full refund of the purchase price and cancellation of a Class Member's contract without early termination penalties.).

- *Heitbrink, et al. v. eMachines*, No. G-4801-CI-200501229 (Ohio Ct. C.P. Lucas Cnty.) (Nationwide settlement provided cash relief for qualified Class Members for purchasers of defective notebook computers. The Court granted final approval on December 21, 2006.).

- *Martino, et al. v. Motorola, Inc.*, No. 03-CIV-1562 (Ohio Ct. C.P. Medina Cnty.) (Nationwide class action settlement provided relief valued in the millions of dollars and included cash reimbursement of Class Members for out of pocket losses. The Court granted final approval on March 2, 2005.).

Meyer Wilson currently serves as Class Counsel in numerous pending class actions throughout the country, including the following sample:

- *Beckman v. Robinhood Fin., LLC et al.*, No. 3:20-cv-01626 (N.D. Cal.) (Class Counsel in nationwide class action alleging online trading platform violated its duties to customers in allowing system to be shut down.).

- *Brown v. DIRECTVTV, LLC*, No. 2:12-cv-08382 (C.D. Cal.) (Class Counsel in nationwide class action alleging TCPA violations from autodialer calls to cell phones. The class was certified in this long-running case by the Court in March 2019).

- *Myers v. Marietta Memorial Hosp.*, No. 2:15-cv-2956 (S.D. Ohio) (Class counsel in a case alleging FLSA violations stemming from automatic lunch deduction programs. The class was certified by the Court in September, 2017).

- *Head v. Citibank, N.A.*, No. 3:18-cv-08189 (D. Ariz.) (Class Counsel in nationwide class action alleging TCPA violations from prerecorded calls to cell phones.).

- *Bowen v. Porsche Cars, N.A.*, No. 1:21-cv-00471 (N.D. Ga.) (Class Counsel in nationwide class action alleging product defects stemming from updates of automobile infotainment systems.).

DAVID P. MEYER is the founding principal of Meyer Wilson.

Mr. Meyer has been recognized as one of the top litigation attorneys in Ohio. Thomson Reuters named him one of the Top 100 lawyers in Ohio and one of the Top 50 in Columbus in 2012. He is also listed in Best Lawyers in America® in multiple categories and the American Trial Lawyers Association selected him as one of the Top 100 Trial Attorneys in Ohio.

Mr. Meyer has the honor of winning the largest jury verdict in Ohio history; a $261 million class action verdict against Prudential Securities on behalf of 200 individuals.

Mr. Meyer has earned a national reputation for successfully representing investors who are victims of investment fraud. He has represented over eight hundred individual investors from all across the country in FINRA/NASD securities arbitration and litigation cases against all major brokerage firms and won verdicts, judgments and settlements of hundreds of millions of dollars in losses on their behalf.

He has also been appointed lead or co-lead counsel by state and federal courts throughout the country in numerous consumer class actions.

Mr. Meyer is a recognized authority on securities arbitration procedure and often serves as a guest lecturer on securities fraud and stockbroker malpractice. Numerous bar associations have invited him to speak to attorneys at educational seminars. Mr. Meyer also provides education to investor groups, accountants and other financial professionals concerning investor protection.

Mr. Meyer holds a business administration degree from Ohio University and a law degree and master's degree in tax law from Ohio's Capital University Law School. He is licensed to practice in the states of Ohio and Michigan.

MATTHEW R. WILSON is a principal attorney with the firm.

Mr. Wilson prosecutes the firm's class action cases. During the past 15 years, Mr. Wilson has served as court-appointed class counsel to more than thirty-five certified classes, in settlement or in litigation.

Mr. Wilson has been court-appointed class counsel in numerous privacy cases across the country, including cases in which the defendants were alleged to have made unauthorized calls and sent text messages to cellular telephones through the use of an automated telephone dialing system and/or an artificial or prerecorded voice, in violation of federal law. These class settlements - over the last few years alone - in which Mr. Wilson has been class counsel have provided over $300 million in cash for consumers.

Several of Mr. Wilson's cases have resulted in nationwide settlements for consumers that are among the largest since the federal statute involving telephone privacy was enacted in 1991, including *In re: Capital One Telephone Consumer Protection Act Litigation*, 1:12-cv-10064 (N.D. Ill.) ($75.5 million all-cash class settlement); *Wilkins v. HSBC Bank Nevada, N.A. et al.*, 1:14-cv-00190 (N.D. Ill.) ($39.9 million all-cash class settlement); *Rose v. Bank of America Corp.*, 5:11-cv-02390-EJD (N.D. Cal.) ($32 million all-cash class settlement); and *Arthur, et al. v. Sallie Mae, Inc.*, No. 10-cv-198-JLR (W.D. Wash.) ($24.15 million all-cash class settlement).

In another matter, Mr. Wilson was co-lead counsel in *Yarger v. ING Bank, fsb*, 1:11-cv-00154-LPS (D. Del.), representing consumers who alleged that ING breached its promise to allow them to refinance their home mortgages for a fixed flat fee of $500 or $750, and instead charged a higher fee. In 2012, the court certified a class of consumers in ten states who purchased or retained an ING adjustable rate mortgage. In October 2014, the court approved a $20.35 million all-cash class settlement.

In addition to Mr. Wilson's complex civil litigation practice, his pro bono services have included the representation of indigent criminal defendants in Sixth Circuit appeals in Criminal Justice Act cases, including one case in which the Sixth Circuit vacated the criminal sentence of Mr. Wilson's indigent client on appeal. See *United States v. Boards*, 202 Fed. Appx. 869 (6th Cir. 2006). He has been a frequent Interfaith Legal Services volunteer, where he has assisted low-income clients with all manner of legal difficulties, trying one such case to a state court jury. He is also a member of the National Association of Consumer Advocates, and has participated as a mentor in the Ohio Supreme Court Lawyer-to-Lawyer Mentoring Program.

Mr. Wilson graduated *magna cum laude*, Phi Beta Kappa, in Philosophy from Denison University in Granville, Ohio. He received his law degree from the University of Virginia Law School in Charlottesville, Virginia. He is admitted to practice in Ohio and California.

CHAD M. KOHLER is an attorney with the firm.

Mr. Kohler devotes his practice to the representation of investors and consumers who have claims against their investment advisors, brokerage firms and insurance companies.

Prior to joining Meyer Wilson, Mr. Kohler was a stockbroker at one of the nation's largest brokerage firms, where he obtained his Series 7, 63 and 65 securities licenses. Mr. Kohler also has experience in managing regulatory compliance matters at two SEC-registered investment adviser firms, including holding the position of Chief Compliance Officer.

He also has significant experience as a practicing attorney. Beginning in 2001, Mr. Kohler's practice focused on business litigation involving contracts, fiduciary relationships and business torts.

Mr. Kohler received his law degree from Case Western Reserve University School of Law in 2001. He is admitted to practice law in the state of Ohio.

Mr. Kohler is a member of the Ohio State Bar Association, the Central Ohio Association for Justice, the Franklin County Democratic Lawyers Club, and the Public Investors' Arbitration Bar Association (PIABA), a national organization of attorneys who represent investors in securities disputes.

MICHAEL J. BOYLE, JR. is an attorney with the firm.

Mike Boyle prosecutes the firm's class action cases on behalf of consumers and patients.

Mr. Boyle was named a "Super Lawyer" in 2019 and 2020 by *Ohio Super Lawyers* Magazine. In 2014, 2016 and 2017, Mr. Boyle was named a "Rising Star."

Prior to joining the firm, Mr. Boyle clerked for the Honorable R. Guy Cole, Jr., a judge on the United States Court of Appeals for the Sixth Circuit during the 2011-2012 term. Mr. Boyle began his career with the international law firm Covington & Burling, LLP, in San Francisco. He also worked for the San Francisco firm Carroll Burdick & McDonaugh, LLP and the Columbus firm Carpenter Lipps & Leland, LLP. With these firms, Mr. Boyle handled a wide spectrum of legal cases, from nine-figure bankruptcies and insurance coverage actions to individual real estate disputes.

Mr. Boyle has also maintained a significant pro bono practice. In the aftermath of Hurricane Katrina, he volunteered with a free legal clinic run by Loyola University of New Orleans, in which he provided a wide range of services to displaced residents of Louisiana. Mr. Boyle also served with the San Francisco Bar Association's Legal Assistance project, providing free legal assistance to low income residents of the Bay Area.

Mr. Boyle attended the University of Pennsylvania School of Law, where he graduated with honors in 2008. He also served as a Senior Editor of the University of Pennsylvania Law Review, and was a finalist in the Keedy Cup Moot Court competition. Prior to law school, Mr. Boyle graduated with honors from Dominican University in River Forest, Illinois, with a focus on political theory. Mr. Boyle is a member of the California and Ohio bars.

COURTNEY WERNING is an attorney with the firm.

As an associate attorney with Meyer Wilson, Courtney Werning devotes her practice to the representation of investors who have claims against their investment advisors and brokerage firms. She also assists in prosecution of the firm's class action cases.

Ms. Werning joined Meyer Wilson as a law clerk in 2010. She graduated *magna cum laude* from Capital University Law School in 2012. While at Capital Law, she participated in Moot Court and coordinated the law school's pro bono legal volunteering program. She is a member of the Order of the Curia, as well as the Order of the Barristers for excellence in scholastic brief writing and oral advocacy.

Prior to joining Meyer Wilson, Ms. Werning interned at the Franklin County Municipal Court under the Honorable Anne Taylor, the Federal Public Defender's Office for the Southern District of Ohio, the Ohio State University Office of Legal Affairs, and the Parliament of Canada.

Ms. Werning has also regularly volunteered at the Interfaith Legal Clinic, a pro bono clinic that operates through the Legal Aid Society. Interfaith is a monthly clinic where low-income individuals with legal problems can meet with an attorney for free legal advice.

Ms. Werning is admitted to practice law in the state of Ohio. She is currently a member of the Public Investors Arbitration Bar Association (PIABA), the Central Ohio Association for Justice (COAJ), the Ohio Association for Justice (OAJ), and the Ohio State Bar Association (OSBA). Ms. Werning is an active participant in the Ohio Supreme Court Lawyer to Lawyer Mentoring Program.

JARED CONNORS is an attorney with the firm.

Mr. Connors has experience working on the firm's class action and securities arbitration cases. He joined Meyer Wilson as a law clerk in 2020 and started as an associate attorney in 2021 after being admitted to practice law in the State of Ohio.

Mr. Connors received his B.A., *magna cum laude*, in history from Northern Illinois University and graduated from The Ohio State University Moritz College of Law in 2021. During law school, he was an articles editor for the *Ohio State Law Journal* and won Best Brief at the 2019 Herman Moot Court Competition.

In addition, Mr. Connors is a member of the Ohio Association for Justice and the Ohio State Bar Association.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF THOMAS A. IMMERMAN, JR. IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Thomas A. Zimmerman, Jr., hereby declare and state as follows:

1. I am an attorney duly admitted to practice before this Court *pro hac vice*. I am the owner of Zimmerman Law Offices, P.C. ("ZLO"), one of the law firms representing Plaintiffs in this Action.[1]

2. ZLO was appointed one of the Settlement Class Counsel in this Action. (Order Granting Preliminary Approval, ECF 137 at 3.) I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

3. ZLO has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The attorneys and paralegal from ZLO, in addition to myself, who have worked on this Litigation are Sharon A. Harris, Jeffrey D. Blake, Matthew C. De Re, and Jacalyn E. Zaleski-Soline.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On May 21, 2020, Plaintiffs Daniel Bozin, Timothy Smith, and Alexandria Polichena, represented by ZLO and others, filed a Class Action Complaint against Deloitte in Ohio alleging negligence, on the basis that Deloitte had allegedly failed to protect their PII. (Case No. CV 20 932778.) On May 28, 2020, Plaintiffs Daniel Bozin, Timothy Smith, Alexandria Polichena, Bernadette Nolen, and Nicole Hornbeck, represented by ZLO and others, filed an Amended Class Action Complaint against Deloitte in Ohio alleging negligence and invasion of privacy, and seeking injunctive relief, on the basis that Deloitte had allegedly failed to protect their PII. (Case No. CV 20 932778.) Deloitte removed that case to federal court, and the case was transferred to this Court on June 26, 2020 (Case No. 20 cv 5070.) A Statement of Relatedness to the *Culbertson* matter was filed, and on July 2, 2020, the Court consolidated the *Bozin* and *Culbertson* cases (ECF 24 in the *Bozin* case.)

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change

to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, as chair of the Plaintiff Vetting and Plaintiff Discovery Committee, ZLO has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) drafting of the complaints; (3) conducting discovery regarding the Plaintiffs in all of the consolidated cases; (4) vetting Plaintiffs to be named in the First Amended Consolidated Complaint; (5) legal research; (6) drafting of motions and briefs: (7) participating in case strategy conferences and decisions; (8) documenting the settlement agreement and the settlement approval documents. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research and attention to detail.

8. Additionally, ZLO participated in regular calls with Class Counsel. During these calls, various aspects of this Action were discussed.

II. LO'S LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by ZLO for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, ZLO has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, filing of the initial Complaint and Amended Complaint, Plaintiff vetting, discovery, settlement discussions, and motions for settlement approval.

10. Before initiating any action, Class Counsel conducted a thorough investigation of the claims, both legal and factual. Specifically, ZLO thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 16, 2021, for ZLO's attorneys and paralegal:

Attorney	Total Hours	Hourly Rate	Amount
Thomas A. Zimmerman, Jr.	66.8	$715	$47,762.00
Sharon A. Harris	37.6	$675	$25,380.00
Jeffrey D. Blake	20.6	$450	$9,270.00
Matthew C. De Re	6.5	$390	$2,535.00
Parale al	**Total Hours**	**Hourly Rate**	**Amount**
Jacalyn E. Zaleski-Soline	4.1	$190	$779.00
Total:	**135.6**		**$85,726.00**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by ZLO.

12. The attorneys and paralegal of ZLO billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates for attorneys of comparable experience and skill handling complex litigation, as follows:

a. I have over 25 years of practice. My current hourly rate of $715, which is lower than market rates, was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2020 in *Ferrill v. Village of Villa Park*, N.D. Ill. Case No. 19 cv 6809 (Dkt. 55), and *Ramsey v. E. Chestnut Crab Partners, LLC, et al.*, Cook Cnty. Cir. Ct. Case No. 19 CH 2759. My previous rate of $625 per hour was accepted by a court for purposes of a lodestar determination or lodestar cross-check in 2018 in *Jones v. First uality Enterprises, Inc., et al.*, E.D. NY Case No. 14 cv 6305 (Dkt. 78). Prior to that, my previous rate of $605 per hour was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2018 in

Miller v. Inteleos, Inc., N.D. Ohio Case No. 17 cv 763 (Dkt. 39), *Lieber v. ells Fargo Bank, N.A.*, N.D. Ohio Case No. 16 cv 2868 (Dkt. 69), and *iMove Chicago, Inc. v. Inland Bancorp, Inc., et al.*, N.D. Ill. Case No. 16 cv 10106 (Dkt. 63); in 2017 in *Ocasio v. First Financial Investment Fund V, LLC, et al.*, N.D. Ill. Case No. 15 cv 10167 (Dkt. 85); in 2016 in *Campos, et al. v. CB Terminals, et al.,* N.D. Ill. Case No. 13 cv 8376 (Dkt. 239), and *Aliano v. Proximo Spirits, Inc.*, Cook Cnty. Cir. Ct. Case No. 14 CH 17429; and in 2015 in *Aliano v. Templeton Rye Spirits, LLC*, Cook Cnty. Cir. Ct. Case No. 14 CH 15667.

b. With more than 23 years of practice, Sharon Harris has similar years of experience as me, and the court should likewise accept her current hourly rate of $675, which is lower than market rates and was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2020 in *Ferrill v. Village of Villa Park*, N.D. Ill. Case No. 19 cv 6809 (Dkt. 55), and *Ramsey v. E. Chestnut Crab Partners, LLC, et al.*, Cook Cnty. Cir. Ct. Case No. 19 CH 2759. Her previous rate of $615 per hour was accepted by a court for purposes of a lodestar determination or lodestar cross-check in 2018 in *Jones v. First uality Enterprises, Inc., et al.*, E.D. NY Case No. 14 cv 6305 (Dkt. 78). Prior to that, her previous rate of $605 per hour was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2018 in *Miller v. Inteleos, Inc.*, N.D. Ohio Case No. 17 cv 763 (Dkt. 39), *Lieber v. ells Fargo Bank, N.A.*, N.D. Ohio Case No. 16 cv 2868 (Dkt. 69), and *iMove Chicago, Inc. v. Inland Bancorp, Inc., et al.*, N.D. Ill. Case No. 16 cv 10106 (Dkt. 63); and in 2017 in *Ocasio v. First Financial Investment Fund V, LLC, et al.*, N.D. Ill. Case No. 15 cv 10167 (Dkt. 85).

c. Jeff Blake has over 8 years of practice. Mr. Blake's current hourly rate is $450, which is lower than market rates, was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2020 in *Ferrill v. Village of Villa Park*, N.D. Ill. Case

No. 19 cv 6809 (Dkt. 55), *Ramsey v. E. Chestnut Crab Partners, LLC, et al.*, Cook Cnty. Cir. Ct. Case No. 19 CH 2759, and *Gann v. Nissan N. Am., Inc.*, M.D. Tenn. Case No. 3:18-cv-00966 (Dkt. 108, 130); and in 2019 in *instead v. ComplyRight*, N.D. Ill. Case No. 18-4990 (Dkt. 91, 101). His previous rate of $420 per hour was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2017 in *Rafofsky v. Nissan N. Am., Inc.*, C.D. Cal. Case No. 2:15-01848 (Dkt. 130-1, 136), and *arner v. Toyota Motor Sales, U.S.A., Inc.*, C.D. Cal. Case No. 2:15-cv-02171 (Dkt. 111-3, 140).

d. Matt De Re has over 7 years of practice. Mr. De Re's current hourly rate is $390, which is lower than market rates, was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2020 in *Ferrill v. Village of Villa Park*, N.D. Ill. Case No. 19 cv 6809 (Dkt. 55), and *Ramsey v. E. Chestnut Crab Partners, LLC, et al.*, Cook Cnty. Cir. Ct. Case No. 19 CH 2759. His previous rate of $325 per hour which was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2018 in *Miller v. Inteleos, Inc.*, N.D. Ohio Case No. 17 cv 763 (Dkt. 39), *Lieber v. ells Fargo Bank, N.A.*, N.D. Ohio Case No. 16 cv 2868 (Dkt. 69), and *iMove Chicago, Inc. v. Inland Bancorp, Inc., et al.*, N.D. Ill. Case No. 16 cv 10106 (Dkt. 63); in 2017 in *Ocasio v. First Financial Investment Fund V, LLC, et al.*, N.D. Ill. Case No. 15 cv 10167 (Dkt. 85); in 2016 in *Campos, et al. v. CB Terminals, et al.,* N.D. Ill. Case No. 13 cv 8376 (Dkt. 239), *Bergman v. DAP Products, Inc.*, D. Md. Case No. 14 cv 3205 (Dkt. #64), and *Aliano v. Proximo Spirits, Inc.*, Cook Cnty. Cir. Ct. Case No. 14 CH 17429; and in 2015 in *Aliano v. Templeton Rye Spirits, LLC*, Cook Cnty. Cir. Ct. Case No. 14 CH 15667, *Papeck v. New ork Jewelers, Inc.,* Cook Cnty. Cir. Ct. Case No. 09 CH 31995, *Aliano v. Airgas USA, LLC*, Cook Cnty. Cir. Ct. Case No. 14 CH 20024, and *i v. T.N. Donnelly & Co.*, Cook Cnty. Cir. Ct. Case No. 09 CH 31997.

e. ZLO's current paralegal hourly rate is $190, which is lower than market rates, was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2020 in *Ferrill v. Village of Villa Park*, N.D. Ill. Case No. 19 cv 6809 (Dkt. 55), and *Ramsey v. E. Chestnut Crab Partners, LLC, et al.*, Cook Cnty. Cir. Ct. Case No. 19 CH 2759. The previous paralegal rate of $180 per hour was accepted by courts for purposes of lodestar determinations or lodestar cross-checks in 2018 in *iMove Chicago, Inc. v. Inland Bancorp, Inc., et al.*, No. 16 cv 10106 (Dkt. 63); in 2017 in *Ocasio v. First Financial Investment Fund V, LLC, et al.*, N.D. Ill. Case No. 15 cv 10167 (Dkt. 85); in 2016 in *Campos, et al. v. CB Terminals, et al.,* N.D. Ill. Case No. 13 cv 8376 (Dkt. 239), and *Aliano v. Proximo Spirits, Inc.*, Cook Cnty. Cir. Ct. Case No. 14 CH 17429; and in 2015 in *Aliano v. Templeton Rye Spirits, LLC*, Cook Cnty. Cir. Ct. Case No. 14 CH 15667.

13. During the course of this Action, ZLO incurred $216.00 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of ZLO and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Court Costs	$216.00
TOTAL	**$216.00**

14. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. LO HAS A LENGTHY HISTORY REPRESENTING CONSUMERS

15. ZLO has a lengthy history of representing consumers, employees, businesses and other clients in class action and other commercial litigation. A true and correct copy of the ZLO Firm Resume is attached as Exhibit A.

16. I received my Bachelor of Science Degree from the University of Illinois and my M.B.A. in Finance from DePaul University. I earned my law degree from the Chicago-Kent College of Law, where I was a Ramsey-Burke Scholarship recipient and earned the Academic Achievement Award.

17. I am a member in good standing of the Illinois State Bar and the bar of the United States District Court for the Northern District of Illinois. I am also admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Sixth, Seventh, and Ninth Circuits, and various other federal district courts. Beyond this case, I have also been admitted *pro hac vice* and have appeared before trial courts in a number of different federal and state jurisdictions.

18. I have been a litigator for 25 years and I practice extensively and have obtained multi-million dollar jury verdicts in class action, corporate, commercial, medical malpractice, consumer fraud, general civil, product liability, toxic tort, and other complex litigation. I represent both plaintiffs and defendants nationwide in state and federal trial and appellate courts. I also represent individuals and corporations in transactional matters, and before state and federal administrative and regulatory agencies.

19. I have been lead counsel in national and state-wide class action litigation, and have handled multi-party litigation involving such companies as MCI/Worldcom, United Airlines, Peoples Gas, AT&T, Warner-Lambert, Pfizer, Liberty Mutual Insurance Co., DaimlerChrysler, Commonwealth Edison, Ameritech, Bridgestone/Firestone, and ADT Corporation. I also represent

physicians, dentists, nurses, psychologists, veterinarians, and many other licensed professionals before state and federal agencies including the Illinois Department of Financial and Professional Regulation, and the U.S. Department of Health and Human Services.

20. In 2017, 2018, 2019, 2020, and 2021, I was selected as a *Super Lawyer* in the area of class action and mass torts.

21. In 2000, I was voted one of the Top 40 Illinois Attorneys Under the Age of 40. This is especially notable, as I was chosen out of 60,000 attorneys in Illinois under the age of forty.

22. In 2003, the Illinois Supreme Court appointed me to the Review Board of the Attorney Registration and Disciplinary Commission ("ARDC"). I served in that capacity until 2011, wherein I presided over appeals by attorneys who have been found to have committed misconduct, and recommended discipline for their ethical violations. In 2013, the ARDC appointed me as Special Counsel, wherein I conduct independent investigations in matters involving allegations of misconduct against attorneys associated with the ARDC.

23. Additionally, the Illinois Governor appointed me to the Illinois Courts Commission. A Commission member presides over proceedings wherein judges are charged with committing ethical violations, and imposes discipline on judges who are found to have engaged in misconduct.

IV. LO HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS

24. ZLO has the experience, resources and ability to adequately represent the Settlement Class Members in this class action lawsuit.

25. ZLO's firm resume reflects that the attorneys in this case have successfully adjudicated large and important class action lawsuits in the United States and have obtained approximately three hundred million dollars in settlements and verdicts in a wide range of cases.

26. For example, I have served as class counsel or on the plaintiffs' executive committee in dozens of nationwide and statewide class actions, including but not limited to the following actions:

- *Misleading Product Claims* — $62 million recovery for a nationwide class of customers who purchased products that were advertised to reduce cellulite in the human body, plus equitable relief to correct the misleading claims. *Joseph v. Beiersdorf North America, Inc.*, No. 11 CH 20147 (Cook Cnty, Ill.).

- *Improper Cellular Phone Fee* — $48 million recovery for a statewide class of businesses and individuals who paid an improper municipal infrastructure maintenance fee on their cellular phone bills. *PrimeCo Personal Communications, et al. v. Illinois Commerce Commission, et al.*, 98 CH 5500 (Cook Cnty, Ill.).

- *Defective Vehicles* — $35 million in monetary and injunctive relief for a nationwide class of individuals and businesses who purchased vehicles manufactured with a defective transmission. *Vargas, et al. v. Ford Motor Co.*, No. 12 cv 8388 (C.D. Cal.).

- *Fraud* — $31 million recovery for a nationwide class of businesses and individuals who placed advertisements in a newspaper based on fraudulent circulation figures. *In re Chicago Sun-Times Circulation Litigation*, No. 04 CH 9757 (Cook Cnty, Ill.).

- *Defective Products* — $16 million recovery for a nationwide class of individuals who purchased defective home security systems that could be easily hacked and disabled. *Edenborough v. ADT, LLC, et al.*, No. 16 cv 2233 (N.D. CA).

- *Misleading Product Claims* — $14 million recovery for a nationwide class of customers who purchased defective garden hoses with misleading claims, plus equitable relief to extend the product's warranty. *Bergman, et al. v. DAP Products, Inc., et al.*, No. 14 cv 3205 (D. Md.).

- *Fraud / Data Breach* — $11.2 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by an internet service provider, and who also paid money to that provider based on misrepresentations. *In re Ashley Madison Customer Data Security Breach Litigation*, MDL No. 2669 (E.D. Mo.).

- *Defective Products* — $9 million recovery for a nationwide class of individuals who sustained financial and personal injuries resulting from their purchase and use of baby wipes that were tainted with a dangerous bacteria. *Jones v. First Quality Enterprises, Inc., et al.*, No. 14 cv 6305 (E.D. NY).

- *Power Outages* — $7.75 million recovery for a statewide class of businesses and individuals who sustained financial damages due to widespread and prolonged power outages. *In re Commonwealth Edison 1999 Summer Power Outages*, No. 99 CH 11626 (Cook Cnty, Ill.).

- *Privacy Violation* — $7.3 million recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Aliano v. Airgas USA, LLC*, No. 14 CH 20024 (Cook Cnty, Ill.).

- *Improper Court Fee* — $5.2 million recovery for a nationwide class of individuals and businesses who were charged an improper fee by the Clerk of the Court. *Midwest Medical Records Assoc., et al. v. Dorothy Brown, et al.*, No. 15 CH 16986 (Cook Cnty, IL).

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: November 17, 2021

Thomas A. Zimmerman, Jr.

IMMERMAN LAW OFFICES, P.C.

Since 1996, Zimmerman Law Offices has represented individuals and businesses in a wide array of legal matters. Its attorneys are established and respected trial lawyers who represent clients in complex litigation and class action lawsuits nationwide. The firm has an extensive and varied litigation-based practice, with a focus on class action litigation. Zimmerman Law Offices has recovered over $300 million on behalf of millions of individuals and businesses nationwide.

The attorneys at Zimmerman Law Offices are experienced in Multidistrict Litigation (MDL), having served as lead counsel in MDL cases throughout the country. These MDL cases included claims for fraud, improper pricing, misleading product claims, and privacy violations including data breaches.

ATTORNEYS

T omas A. immerman, Jr.

A seasoned litigator for over 25 years, Mr. Zimmerman practices extensively and has obtained multi-million dollar jury verdicts in class action, corporate, commercial, medical malpractice, consumer fraud, constitutional due process, general civil, product liability, toxic tort, and other complex litigation. He represents both plaintiffs and defendants nationwide in state and federal trial and appellate courts. He also represents individuals and corporations in transactional matters, and before state and federal administrative and regulatory agencies.

Mr. Zimmerman has been lead counsel in national and state-wide class action litigation, and has handled other multi-party litigation involving such companies as MCI/Worldcom, United Airlines, Peoples Gas, AT&T, Warner-Lambert, Pfizer, Liberty Mutual Insurance Co., DaimlerChrysler, ADT, Ford Motor Co., Mead Johnson, KCBX, Inland Bank, Commonwealth Edison, Ameritech, Wells Fargo, and Bridgestone/Firestone. He is well respected for his representation of physicians, dentists, nurses, psychologists, veterinarians, and many other licensed professionals before state and federal agencies including the Illinois Department of Financial and Professional Regulation, and the U.S. Department of Health and Human Services.

In 2017, 2018, 2019, 2020 and 2021, he was selected as a *Super Lawyer* in the area of class action and mass torts.

In 2000, he was voted one of the Top 40 Illinois Attorneys Under the Age of 40. This is especially notable, as he was chosen out of 60,000 attorneys in Illinois under the age of forty.

In 2003, the Illinois Supreme Court appointed Mr. Zimmerman to the Review Board of the Attorney Registration and Disciplinary Commission ("ARDC"). He served in that capacity until 2011, wherein he presided over appeals by attorneys who have been found to have committed misconduct, and recommended discipline for their ethical violations. In 2013, the ARDC appointed

Mr. Zimmerman as Special Counsel, wherein he conducts independent investigations in matters involving allegations of misconduct against attorneys associated with the ARDC.

Additionally, the Illinois Governor appointed Mr. Zimmerman to the Illinois Courts Commission in 2003. A Commission member presides over proceedings wherein judges are charged with committing ethical violations, and imposes discipline on judges who are found to have engaged in misconduct. Mr. Zimmerman has served as a Commission member continuously since his appointment.

Prior to becoming an attorney, Mr. Zimmerman worked for AT&T where he negotiated partnerships with companies for domestic and international joint-venture and new product development activities. During this time, he was the featured speaker at 400 conferences, seminars, and presentations. Thereafter, he presented oral testimony at various Federal Senate and Congressional hearings. After obtaining his law license, Mr. Zimmerman has lectured at law schools and seminars, and is frequently interviewed by the news media concerning legal issues.

Mr. Zimmerman earned a B.S. in Computer Science-Mathematics from the University of Illinois, and an M.B.A. in Finance from DePaul University in the evenings while working for AT&T. After leaving AT&T, Mr. Zimmerman earned his law degree from the Chicago-Kent College of Law, where he was a Ramsey-Burke Scholarship recipient and earned the Academic Achievement Award.

He is admitted to practice law in Illinois, and other states on a case-by-case basis, and he is admitted to practice before the U.S. Supreme Court, and various federal courts of appeal and federal district courts. Based on his demonstrated experience and ability, he was appointed to the federal court trial bar.

Mr. Zimmerman is currently the chair of the Clerk of the Circuit Court of Cook County Attorney Advisory Committee, and was formerly co-chair of the Clerk of the Circuit Court Transition and Strategic Planning Public Policy Subcommittee.

Mr. Zimmerman is a member of the American, Illinois State, and Chicago Bar Associations, and the Illinois Trial Lawyers Association, where he serves on various committees. He is also a member of the American Association for Justice. In 2000, he was appointed to the Illinois Trial Lawyers Association Board of Advocates.

Involved in numerous community service activities, Mr. Zimmerman has been an Illinois State Board of Education surrogate parent of disabled children since 1988. In addition, he was a speaker on the rights of disabled people for the Illinois Planning Council on Developmental Disabilities, and a Family Shelter Service counselor to battered children for many years. He has been recognized by the federal court for his pro bono representation of indigent clients.

S aron A. Harris

Ms. Harris has extensive experience litigating complex class action matters in state and federal trial and appellate courts nationwide. She has focused her practice on consumer protection, product liability, privacy, and antitrust matters. Ms. Harris has developed a particular expertise in state unfair and deceptive practice statutes, data breach laws, privacy laws, federal antitrust laws, the Fair Credit Reporting Act, the Racketeer Influenced and Corrupt Organizations Act (RICO), the Telephone Consumer Protection Act, and various other federal and state laws. She has been appointed class counsel in numerous cases. For example, she was appointed one of class counsel in *In re Pilot Flying J Fuel Rebate Contract Litigation*, which involved allegations that the defendants violated RICO and various state laws by withholding portions of fuel discounts and rebates to which class members were contractually entitled. A settlement was granted final approval. Ms. Harris was also appointed class counsel in a class action lawsuit, *Norton, et al. v. Niantic, Inc.*, No. 2017 CH 10281 (Cir. Ct. Cook Cty., Ill.), and helped negotiate a $1.75 million settlement on behalf of attendees at the 2017 Pok mon GO Fest in Chicago that were unable to play the game during the fest due to technical and other issues. Additionally, Ms. Harris was appointed class counsel in a class action lawsuit, *Miller, et al. v. Inteleos, Inc.*, No. 1:17-cv-00763-DAP (N.D. Ohio), on behalf of individuals who took a Registered Vascular Technology (RVT) examination and passed the examination but received an incorrect failing score. The settlement she helped negotiate was granted final approval by the Court.

She received her Bachelor of Science degree from Michigan State University with a dual major in Political Science and Social Science. Ms. Harris received her law degree from DePaul University College of Law. She is a member of the American, Illinois State, and Chicago Bar Associations. She is admitted to practice in the State of Illinois, the United States District Court for the Northern District of Illinois, the United States District Court for the Northern District of Indiana, and the United States Courts of Appeals for the Seventh and Ninth Circuits.

Matt e C. De Re

Mr. De Re advocates for both plaintiffs and defendants nationwide in state and federal trial and appellate courts. His practice areas include class action, corporate, commercial, consumer fraud, general civil, product liability, personal injury, and other complex litigation. He also represents professionals, such as physicians, dentists, nurses, insurance producers, and real estate brokers, before state and federal agencies, including the Illinois Department of Financial and Professional Regulation and the Department of Insurance. In addition to his extensive litigation practice, Mr. De Re assists individuals and corporations in transactional matters.

He has experience in all phases of litigation, including extensive discovery and substantive motion practice. He has assisted in the defense of individuals and companies in cases involving personal injury, employment, and civil rights. Mr. De Re has also vigorously pursued recovery for plaintiffs in numerous civil matters. Prior to joining Zimmerman Law Offices, he served as a Law Clerk for the Circuit Court of Cook County.

Mr. De Re graduated from the University of Wisconsin-Madison with a B.S. in both Political Science and History. He earned his law degree from Washington University in St. Louis. While in

law school, he received academic awards and appeared on the Dean's List multiple times. He also served two years on the Executive Board of the Student Bar Association and was the Associate Managing Editor for the Washington University Journal of Law & Policy.

He is admitted to practice law in the State of Illinois and is a member of the Illinois State and Chicago Bar Associations.

Je rey D. Bla e

Mr. Blake represents consumers in class actions involving unfair and deceptive trade practices, privacy violations, antitrust matters, and defective products. He has considerable experience prosecuting complex cases in state and federal courts throughout the nation, including appeals.

Mr. Blake received his J.D., *cum laude*, from the Chicago-Kent College of Law in 2012. While attending, Mr. Blake served as Executive Articles Editor for the *Chicago- ent Law Review*, spent a semester as a judicial extern for the Honorable Samuel Der-Yeghiayan of the United States District Court for the Northern District of Illinois, and participated in the Intellectual Property Law Clinic and the Center for Open Government.

After graduating law school, Mr. Blake served as the judicial law clerk for the Honorable Patrick McKay, Superior Court Judge for the Third Judicial District in Anchorage, Alaska.

Mr. Blake received a Bachelor of Science from the University of Illinois at Chicago.

He is admitted to practice in the State of Illinois and the United States District Court for the Northern District of Illinois.

Jordan M. Rudnic (*of counsel*)

Mr. Rudnick represents individuals and large national and international companies in providing business advice, counsel and dispute resolution in a wide variety of contexts for almost 20 years. In particular, Mr. Rudnick represents plaintiffs and defendants nationwide in class action, corporate, commercial, consumer fraud, general civil, and other complex litigation in state and federal courts, arbitrations, and mediations. Mr. Rudnick has been involved in all phases of litigation, including extensive discovery, substantive motion practice, trials and appeals.

His experience as an attorney also includes representing parties in nationwide securities fraud class actions. Notably, Mr. Rudnick represented Canadian Imperial Bank of Commerce in the Enron class action securities litigation and related proceedings. He also has extensive experience representing commercial policyholders in recovering insurance proceeds from their insurers.

Mr. Rudnick serves as an arbitrator for FINRA (Financial Industry Regulatory Authority, formerly known as the NASD or National Association of Securities Dealers) where he and panels of two other arbitrators decide the outcome of disputes between investors and securities brokers and dealers.

He has provided extensive pro bono representation of improperly-expelled school children in conjunction with the Legal Assistance Foundation of Metropolitan Chicago, and with the Chicago Coalition for the Homeless. In addition, in his spare time, he is a volunteer at the Lincoln Park Community Homeless Shelter.

Mr. Rudnick served as a judicial law clerk to the Honorable Justice Joseph Gordon, Illinois Appellate Court, 1st District, where he drafted opinions in appeals arising from complex civil and criminal trial court decisions.

Mr. Rudnick earned his B.A. in Political Science from the University of Chicago, and he graduated *cum laude* from the John Marshall Law School with honors and on a full scholarship. In law school, he appeared on the Dean's List, and he was a member of the school's Moot Court Team. He also was a Staff Editor on the *John Marshall Law Review* for two years.

He is admitted to practice law in Illinois, New York, and Washington, D.C., and is a member of the Chicago Bar Association, NAACP, and ACLU.

REPRESENTATIVE CLASS ACTION CASES

Com leted Cases

Misleading Product Claims — $62 million recovery for a nationwide class of customers who purchased products that were advertised to reduce cellulite in the human body, plus equitable relief to correct the misleading claims. *Joseph v. Beiersdorf North America, Inc.*, No. 11 CH 20147 (Cook Cnty, IL).

Improper Cellular Phone Fee — $48 million recovery for a statewide class of businesses and individuals who paid an improper municipal infrastructure maintenance fee on their cellular phone bills. *PrimeCo Personal Communications, et al. v. Illinois Commerce Commission, et al.*, 98 CH 5500 (Cook Cnty, IL).

Defective Vehicles — $35 million in monetary and injunctive relief for a nationwide class of individuals and businesses who purchased vehicles manufactured with a defective transmission. *Vargas, et al. v. Ford Motor Co.*, No. 12 cv 8388 (C.D. CA).

Fraud — $31 million recovery for a nationwide class of businesses and individuals who placed advertisements in a newspaper based on fraudulent circulation figures. *In re Chicago Sun-Times Circulation Litigation*, No. 04 CH 9757 (Cook Cnty, IL).

Defective Products — $16 million recovery for a nationwide class of individuals who purchased defective home security systems that could be easily hacked and disabled. *Edenborough v. ADT, LLC, et al.*, No. 16 cv 2233 (N.D. CA).

Misleading Product Claims — $14 million recovery for a nationwide class of customers who purchased defective garden hoses with misleading claims, plus equitable relief to extend the product's warranty. *Bergman, et al. v. DAP Products, Inc., et al.*, No. 14 cv 3205 (D. MD).

Fraud / Data Breach — $11.2 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by an internet service provider, and who also paid money to that provider based on misrepresentations. *In re Ashley Madison Customer Data Security Breach Litigation*, MDL No. 2669 (E.D. MO).

Defective Products — $9 million recovery for a nationwide class of individuals who sustained financial and personal injuries resulting from their purchase and use of baby wipes that were tainted with a dangerous bacteria. *Jones v. First uality Enterprises, Inc., et al.*, No. 14 cv 6305 (E.D. NY).

Power Outages — $7.75 million recovery for a statewide class of businesses and individuals who sustained financial damages due to widespread and prolonged power outages. *In re Commonwealth Edison Summer Power Outages*, No. 99 CH 11626 (Cook Cnty, IL).

Privacy Violation — $7.3 million recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Aliano v. Airgas USA, LLC*, No. 14 CH 20024 (Cook Cnty, IL).

Improper Court Fee — $5.2 million recovery for a nationwide class of individuals and businesses who were charged an improper fee by the Clerk of the Court. *Midwest Medical Records Assoc., et al. v. Dorothy Brown, et al.*, No. 15 CH 16986 (Cook Cnty, IL).

Data Breach — $4.3 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a retailer. *In re Sonic Corp. Customer Data Breach Litigation*, MDL No. 2807 (N.D. OH).

Unsolicited Faxes — $4 million recovery for a nationwide class of businesses and individuals who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Derose Corp. v. Goyke Health Center*, 06 CH 6681 (Cook Cnty, IL).

Fraud — $3.5 million recovery for a nationwide class of Spanish speaking purchasers of baby formula, arising out of misleading product labeling. *Cardenas v. Mead Johnson & Company*, No. 01 CH 11151 (Cook Cnty, IL).

Unsolicited Faxes — $2.5 million recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *iMove Chicago, Inc. v. Inland Bancorp, Inc., et al.*, No. 16-cv-10106 (N.D. IL)

Misleading Product Labeling — $2.5 million recovery for a nationwide class of businesses and individuals who purchased whiskey whose labeling misstated the characteristics of the product. *Due Fratelli, Inc. v. Templeton Rye Spirits, LLC*, No. 2014 CH 15667 (Cook Cnty, IL).

Misrepresentations in Book — $2.35 million recovery for a nationwide class of customers who purchased a fictional book while under the impression that the book was a non-fiction memoir. *In re A Million Little Pieces Litigation*, No. 06-md-1771 (S.D. NY).

Misleading Product Claims — $1.9 recovery for a nationwide class of individuals and businesses who purchased HDMI cables based on representations that more expensive higher speed cables were needed to operate certain audio visual equipment. *O'Brien, et al. v. Monster, Inc., et al.*, No. 2015 CH 13991 (Cook Cnty, IL).

Consumer Fraud — $1.6 million recovery for a nationwide class of individuals who paid for and traveled to an event that did not occur as advertised. *Norton v. Niantic, Inc.*, No. 2017 CH 10281 (Cook Cnty, IL).

Misleading Product Labeling — $1.5 million recovery for a nationwide class of individuals who purchased a product whose packaging misstated the characteristics of the product. *In re Honest Company Sodium Lauryl Sulfate (SLS) Marketing and Sales Practices Litigation*, MDL No. 2719 (C.D. CA).

Improper Debiting of Bank Accounts — $1.5 million recovery for a statewide class of individuals who were members of a health club that debited its members' bank accounts without adequate notice or authority. *endorf, et al. v. Landers, et al.*, No. 10 cv 1658 (N.D. IL).

Environmental Contamination — $1.4 million recovery for a statewide class of individuals and businesses who suffered from an infiltration of coal and petroleum coke dust in the air and on their property. *Martin, et al. v. CB Terminals Company, et al.*, No. 13 cv 08376 (N.D. IL).

School Misrepresenting Accreditation — $1.2 million recovery, representing nearly the full value of each class member's loss, for a statewide class of individuals who enrolled in a school based on the school's misrepresentations that it was accredited. *Allen v. Illinois School of Health Careers, Inc.*, No. 10 CH 25098 (Cook Cnty, IL).

Privacy Violation — $1 million recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Radaviciute v. Christian Audigier, Inc.*, No. 10 cv 8090 (N.D. IL).

Breach of Contract — $570,000 recovery for a nationwide class of sonographers who took and passed a certification examination but the testing agency improperly scored their results and falsely reported that they failed the examination. *Miller, et al. v. Inteleos, Inc.*, No. 17 cv 763 (N.D. OH).

Privacy Violation — $500,000 recovery for a statewide class of consumers whose personal information was improperly disclosed. *Aliano v. Joe Caputo and Sons – Algon uin, Inc*., et al., No. 09 cv 0910 (N.D. IL).

Contaminated Drinking ater — $500,000 recovery for a statewide class of individuals who suffered damages as a result of a contaminated water well, plus equitable relief to close the well. *Joseph Marzano v. Village of Crestwood*, No. 09 CH 16096 (Cook Cnty, IL).

Fraud — $425,000 recovery for a nationwide class of businesses and individuals who purchased spirits whose labeling misstated the characteristics of the product. *Due Fratelli, Inc. v. Proximo Spirits, Inc.*, No. 2014 CH 17429 (Cook Cnty, IL).

Foreclosure Fraud — $425,000 recovery for a nationwide class of borrowers whose lender failed to properly respond to qualified written requests, requests for information, and/or notices of error because of an improper active litigation, active mediation, or active bankruptcy exception. *Lieber v. ells Fargo Bank, N.A.*, No. 16 cv 2868 (N.D. OH).

Privacy Violation — $295,000 recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Joseph v. Marbles, LLC*, No. 13 cv 4798 (N.D. IL).

Data Breach — $285,000 recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a restaurant chain. *Ramsey v. E. Chestnut Crab Partners, LLC, et al.,* No. 19 CH 2759 (Cook Cnty., IL).

Privacy Violation — $250,000 recovery for a nationwide class of consumers whose personal information was improperly disclosed. *DiParvine v. A.P.S., Inc. d/b/a Car uest Auto Parts*, No. 11 cv 6116 (N.D. IL).

Unsolicited Faxes — $237,600 recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Phillips Randolph Enterprises, LLC v. ey Art Publishing Co.,* No. 07 CH 14018 (Cook Cnty, IL).

Improper Health Club Memberships — Recovery for a statewide class of individuals whose health club membership agreements provided for improper membership terms. *Izak-Damiecki v. orld Gym International, LLC*, No. 10 CH 18845 (Cook Cnty, IL).

Illegal Lending Practices — Recovery, representing the maximum amount of statutory damages, for a nationwide class of customers who obtained loans whose terms violated the Truth in Lending Act, plus equitable relief to modify the loan contract to conform with the law. *Papeck, et al. v. T.N. Donnelly & Co.*, No. 09 CH 31997 (Cook Cnty, IL).

Privacy Violation — Recovery for a nationwide class of over 36 million consumers whose personal information was improperly disclosed. *Dudzienski v. GMRI, Inc.*, No. 07 cv 3911 (N.D. IL).

Unsolicited Faxes — Recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Phillips Randolph Enterprises, LLC v. Home Run Inn, Inc.*, No. 08 CH 43273 (Cook Cnty, IL).

Privacy Violation — Recovery for a statewide class of over 60,000 consumers whose personal information was improperly disclosed. *O Brien v. Paninos, Inc.*, No. 10 cv 2991 (N.D. IL).

Breach of arranty — Recovery on behalf of a nationwide class of customers who had their warranty retroactively changed from a lifetime guarantee to a 90-day guarantee, plus equitable relief to reinstate the lifetime guarantee on the products. *Brady, et al. v. Learning Curve Int'l, Inc., et al.*, No. 06 CH 03056 (Cook Cnty, IL).

Privacy Violation — Recovery for a nationwide class of tens of thousands of consumers whose personal information was improperly disclosed. *In re athy Aliano v. Hancock Fabrics, Inc.*, No. 07-10353 (Del. BK).

Improper Debt Collection — Recovery on behalf of a nationwide class of individuals against whom attempts were made to collect a time-barred debt, in violation of the Fair Debt Collection Practices Act. *Ocasio v. First Financial Investment Fund V, LLC, et al.*, No. 15 cv 10167 (N.D. IL).

Pendin Cases — Preliminary A roval o Settlement Granted

Data Breach — $4.95 million recovery for a nationwide class of individuals who had their personal and financial data exposed due to insufficient protection of that information by state governments. *Culbertson, et al. v. Deloitte Consulting LLP*, No. 20 cv 3962 (S.D. NY).

Constitutional Violation — $175,000 recovery for a nationwide class of individuals who were wrongfully issued automated construction zone speed enforcement tickets on a highway that was not under construction. *Black, et al. v. City of Girard, Ohio, et al.*, No. 18 cv 1256 (Trumbull Cnty, OH).

Pendin Cases — A ointed Class Counsel

Improper Fee — Class action for a statewide class of individuals who were charged an improper fee by the state in connection with the issuance of a driver's license. *Madyda, et al. v. Ohio Dept. of Public Safety*, No. 19-426 (OH Ct. of Claims).

Invasion of Privacy — Class action for a nationwide class of individuals who were surreptitiously viewed and recorded using the toilets in holding cells. *Alicea, et al. v. County of Cook*, No. 18 cv 5381 (N.D. IL).

Data Breach — Class action for a nationwide class of individuals whose personal and financial information was compromised in a data breach of the state's Pandemic Unemployment Assistance website. *Acker, et al. v. Protech Solutions, Inc.*, No. 20 cv 852 (E.D. AR).

Environmental Contamination — Class action for a statewide class of individuals whose residential drinking water was contaminated with lead. *Henderson, et al. v. A ua Illinois, Inc.,* No. 2019 CH 10191 (Will Cnty, IL).

Constitutional Violation — Class action for a statewide class of individuals who paid an unconstitutional firearms and ammunition tax. *Boch, et al. v. Cook County, Illinois, et al.,* No. 21 CH 5485 (Cook Cnty, IL).

Pendin Cases — A ointed to E ecutive Committee

Misleading Product Claims — Class action for a nationwide class of individuals who purchased defective cheese products based on misleading representations. *In re 100% Grated Parmesan Cheese Marketing and Sales Practices Litigation*, MDL No. 2707 (N.D. IL).

Pendin Cases

Fraud — Class action for a statewide class of individuals who were wrongfully issued automated red light tickets by red light cameras that were installed in violation of state law.

Unpaid Overtime — Class action for a nationwide class of individuals who were not paid all wages and premium overtime for hours worked in excess of forty hours per week.

Constitutional Violation — Class action for a statewide class of individuals who were improperly denied pandemic unemployment assistance benefits because the governor of their state refused to accept those federal benefits and distribute the money to the individuals.

Improper Debt Collection — Class action for a nationwide class of individuals who were sent misleading debt collection letters, in violation of the Fair Debt Collection Practices Act.

Data Breach — Class action for a statewide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by a hospital.

Violation of RESPA Act — Class action for a nationwide class of borrowers who were denied the requisite loan modification options, as required by the Real Estate Settlement Procedures Act.

Constitutional Violation — Class action for a nationwide class of individuals who were wrongfully issued automated traffic speed enforcement tickets by a municipality that was denied authorization to issue the tickets.

Invasion of Privacy — Class action for a nationwide class of individuals who received unauthorized telemarketing calls to their phones.

Consumer Fraud — Class action for a nationwide class of individuals who were defrauded when their printers were disabled from using third party toner under the guise of a firmware update.

Breach of Contract — Class action for a statewide class of individuals who are members of athletic clubs that unilaterally terminated their rewards program without notice.

Unpaid ages — Class action for a statewide class of individuals who were not paid all of the wages they earned while working at restaurants.

Antitrust — Class action for a nationwide class of individuals who purchased packaged seafood products from companies that conspired to fix prices in violation of the Sherman Act.

Environmental Contamination — Class action for a statewide class of individuals whose residential drinking water was contaminated with lead.

Constitutional Violation — Class action for a statewide class of individuals whose homes were wrongfully taken by the government without adequate compensation.

Fraud — Class action for a nationwide class of individuals who were deliberately targeted through marketing and sales of electronic cigarettes when they were minors.

Defective Product — Class action for a nationwide class of individuals who purchased defective eye cream.

Consumer Fraud — Class action for a statewide class of individuals who were denied loans due to improper banking practices.

Data Breach — Class action for a nationwide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by a company that rents caps and gowns for graduation ceremonies.

Shareholder Derivative Suit — Class action for a nationwide class of individuals against a company due to breaches of fiduciary duties and insider trading.

Consumer Fraud — Class action for a nationwide class of individuals who paid inflated prices for a product.

Breach of Contract — Class action for a nationwide class of individuals who paid for continuous printer toner and ink, but the company failed to deliver it as promised.

Fraud — Class action for a nationwide class of individuals who were charged and paid for a greater quantity of a product than they received.

NOTE: This list of cases is a representative sample of some of the class action lawsuits. It is not an exhaustive list.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF JONATHAN M. JAGHER IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Jonathan M. Jagher, hereby declare and state as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner at the firm of Freed Kanner London & Millen LLC ("FKLM"), one of the law firms representing Plaintiffs in this Action.[1]

2. I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

3. FKLM has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current and former attorneys from FKLM, in addition to myself, who have worked on this Litigation are Kimberly Justice, Robert Wozniak and Brian Hogan.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On June 8, 2020, Plaintiff Kathy Neal, represented by FKLM and others, filed a Class Action Complaint against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 1:20-cv-04362-LJL, Compl., ECF 1.) Plaintiff Neal filed a Statement of Relatedness to the *Culbertson* matter on June 10, 2020. (*Id.*, ECF 6.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, FKLM has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) extensive interviewing of plaintiffs and collection of documents; (3) drafting of the complaints; (4) legal research; (5) drafting of motions and briefs; and (6) participating in case strategy conferences and decisions. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research and attention to detail.

8. Additionally, FKLM participated in regular calls with Class Counsel. During these calls, various aspects of this Action were discussed.

II. FKLM'S LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by FKLM for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, FKLM has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, drafting of the initial and First Amended Consolidated Class Action Complaint, extensive interviewing of plaintiffs and collection of documents, legal research, drafting of motions and briefs and participating in case strategy conferences and decisions.

10. Before filing its initial complaint, FKLM conducted a thorough investigation of the claims, both legal and factual. Specifically, FKLM thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 16, 2021, for FKLM's attorneys and paralegals:

Attorney	**Total Hours**	**Hourly Rate**	**Amount**
Jonathan M. Jagher	43.60	$775.00	$33,790.00
Kimberly Justice	1.1	$875.00	$962.50
Robert Wozniak	0.5	$800.00	$400.00
Brian Hogan	8.10	$650.00	$5,265.00
Paralegal	**Total Hours**	**Hourly Rate**	**Amount**
Marlene Khamoo	0.5	$205.00	$102.50
Natalie Lazaritt	2.0	$205.00	$410.00
Total:	**55.8**		**$40,930.00**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by FKLM.

12. The attorneys of FKLM billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including:

a. *In re Peanut Farmers Antitrust Litigation*, Case No. 2:19-CV-00463 (E.D.VA.). In 2021, Judge Raymond A. Jackson issued an attorneys' fees award finding that the following FKLM rates were reasonable: $775.00 for Jonathan Jagher, $975.00 for Steven Kanner, $885.00 for William London, $875.00 for Kimberly Justice, $875.00 for Doug Millen, $825.00 for Michael Moskovitz, $800.00 for Robert Wozniak and $650.00 for Brian Hogan.

b. *In re Interior Molded Doors Antitrust Litigation*, Case No. 3:18-cv-00718-JAG (E.D.VA.). In 2021, Judge John A. Gibney, Jr. issued an attorneys' fees award finding that the following FKLM rates were reasonable: $975.00 for Steven Kanner, $885.00 for William London, $875.00 for Douglas Millen, $825.00 for Michael Moskovitz, $800.00 for Robert Wozniak, and $650.00 for Brian Hogan.

c. *Kleen Products, et al. v. International Paper, et al.*, No. 10-cv-05711 (N.D. Ill.). In 2019, Judge Harry D. Leinenweber issued an attorneys' fees award finding that the following FKLM rates were reasonable: $940.00 for Michael Freed, $890.00 for Steven Kanner, $790.00 for William London, $785.00 for Douglas Millen, $750.00 for Michael Moskovitz, $720.00 for Robert Wozniak and $560.00 for Brian Hogan.

13. During the course of this Action, FKLM incurred $579.44 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the

prosecution of this litigation. These expenses are reflected in the books and records of FKLM and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Telephone, Conference Calls and Facsimile	$0
Court Costs, Filing Fees and Transcripts	$329.90
Delivery/Courier	$0
Carfare, Travel and Meals	$0
Legal Research	$249.54
Service of Process	$0
TOTAL	**$579.44**

III. FKLM HAS A LENGTHY HISTORY REPRESENTING CONSUMERS

14. FKLM has a lengthy history of representing consumers, businesses and other clients in class action litigation. A true and correct copy of the FKLM Firm Resume is attached as Exhibit A.

15. Throughout my career in the class action arena, I have built a practice representing plaintiffs in consumer and antitrust class actions and have recovered close to $1 billion for my clients and represented classes.

16. My vast litigation experience importantly includes high-level antitrust and data privacy litigation. I have been appointed to leadership roles in several cases. I was appointed to serve on the Plaintiffs' Steering Committee in *In Re: TikTok, Inc., Consumer Privacy Litigation*, MDL No. 2948 (N.D. Ill.), a class action related to allegations of data privacy violations. In this case, I was one of the primary negotiators of a $92 million settlement pending final approval. I serve a lead role for Freed Kanner as an Executive Committee member in *Cameron et. al. v. Apple, Inc.* 4:19-cv-03074 (N.D. Cal.) (an antitrust case in which a $100 million settlement is pending preliminary approval). I was recently appointed to serve on the Plaintiffs' Executive Committee

in *Jones et. al. v. Lemonade Inc.* 1:21-cv-04513 (N.D. Ill.), a class action related to allegations of data privacy violations through Defendant's collection of the biometrics of thousands of Illinois residents who have submitted insurance claims to Defendant. I also serve on the Plaintiffs' Executive Committee in *In Re: Morgan Stanley Data Security Litigation*, 1:20-CV-05914 (S.D. N.Y.), a data privacy class action related to allegations that Morgan Stanley failed to safeguard its customers' highly sensitive personally identifiable information.

IV. FKLM HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS

17. FKLM has the experience, resources and ability to adequately represent the Settlement Class Members in this class action lawsuit.

18. FKLM's firm resume reflects that the attorneys in this case have successfully adjudicated some of the largest and most important class action lawsuits in the United States and have obtained over two billion dollars in settlements and verdicts in a wide range of cases.

19. For example, FKLM serves as Co-Lead Counsel in *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.) which has been recognized as the largest antitrust case in U.S. history in terms of fines (settlements to date total over $550 million). FKLM served as Co-Lead Counsel in *In re Peanut Farmers Antitrust Litigation*, 2:19-cv-00463 (E.D. Va.) (settlements totaled $102.75 million); *Kleen Products, et al. v. International Paper, et al.*, No. 10-cv-05711 (N.D. Ill.) ($376 million recovered for the class); *In re Brand Name Prescription Drugs Antitrust Litig.*, MDL 997 (N.D. Ill.) ($715 million recovered for the class); and *In re High Fructose Corn Syrup Antitrust Litig.*, MDL 1087 (C.D. Ill.) ($531 million recovered for the class).

20. FKLM also serves as Co-Lead Counsel in *In re Opana ER Antitrust Litig.*, No. 14-cv-10150 (N.D. Ill.) and *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, No. 05-md-1720 (E.D.N.Y.).

21. FKLM attorneys served as class counsel in *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, MDL 1486 (N.D. Cal.) ($330 million recovered for the class) and *In re Cathode Ray Tube (CRT) Antitrust Litig.*, MDL 1917 (N.D. Cal.) ($224 million recovered for the class).

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: November 16, 2021

/s/ Jonathan M. Jagher
Jonathan M. Jagher

Exhibit

A

FREED KANNER LONDON & MILLEN LLC

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Freed Kanner London & Millen LLC ("FKLM") is one of the nation's premier plaintiffs' class action practices. The firm's attorneys are among the pioneers and leaders in the class action field, having played leadership roles in major antitrust, consumer fraud, securities, unlawful business practices and insurance fraud cases for decades.

FKLM was founded on January 1, 2007. The founding partners of FKLM, formerly principals and partners of Much Shelist Freed Denenberg Ament & Rubenstein, P.C., have successfully prosecuted class actions for over 40 years, including as lead or co-lead counsel in dozens of cases, resulting in recoveries for class members of more than $2 billion.

APPOINTMENTS AS LEAD OR CO-LEAD COUNSEL

- ***Northbrook Park District v. Mr. David's Flooring Int'l, LLC et al., No. 20-cv-07538 (N.D. Ill.)***

  FKLM partner Steven Kanner serves as co-lead counsel in this antitrust action arising from an 8-year conspiracy to rig bids to municipal and commercial flooring purchasers in Illinois.

- ***In re Peanut Farmers Antitrust Litigation*, 2:19-cv-00463 (E.D. Va.)**

  FKLM partner Kimberly Justice serves as co-lead counsel in this antitrust class action arising from peanut shellers' wrongful and anticompetitive actions that had the intended purpose and effect of artificially fixing, depressing, maintaining, and stabilizing the price of runner peanuts paid to peanut farmers in the United States over the past 6 years. This matter recently settled for $102.75 million for the class.

- ***In re Chicago Board Options Exchange Volatility Index Manipulation Antitrust Litigation*, MDL 2842 (N.D. Ill.)**

  FKLM partner Kimberly Justice serves as interim co-lead counsel in this multidistrict litigation arising from over a decade of alleged manipulation of financial instruments linked to the Chicago Board Options Exchange's ("CBOE") Volatility Index, the "VIX," and the opaque settlement process the CBOE designed for certain of those instruments.

- ***In re Payment Card Interchange Fee and Merchant Discount Litigation*, MDL 1720 (E.D.N.Y.)**

FREED KANNER LONDON & MILLEN LLC

FKLM is serving as interim co-lead counsel for a proposed class of more than twelve million merchants seeking equitable and injunctive relief. Plaintiffs allege, inter alia, that certain of Visa and MasterCard rules, including anti-steering restraints and default interchange fees, working in tandem have caused artificially inflated interchange fees paid by merchants on credit and debit card transactions from January 1, 2004 through the present.

- ***In re Opana ER Antitrust Litigation*, MDL 2580 (N.D. Ill.)**

  FKLM is serving as co-lead counsel on behalf of indirect purchasers (end-payors) of brand or generic Opana ER, an opioid painkiller, in this antitrust "pay-for-delay" case brought under the laws of 30 states.

- ***The Honest Company Inc., Sodium Lauryl Sulfate (SLS) Marketing & Sales Practices Litigation*, 2:16-ml-02719 (C.D. Cal.)**

  FKLM served as co-lead counsel in this class action brought on behalf of consumers allegedly deceived in their purchase of products labeled as "Free of SLS." The settlement in the case ultimately provided class claimants with, in most instances, close to full reimbursement of the money they spent on the products at issue and the defendant agreed to cease marketing the products as SLS free.

- ***In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.)**

  FKLM is serving as interim co-lead counsel on behalf of direct purchasers of automotive parts in multiple concurrently active nationwide, antitrust price-fixing cases relating to the following products: wire harnesses; instrument panel clusters; heater control panels; occupant safety parts; fuel senders; bearings; air conditioning systems; windshield wiper systems; starters; windshield washer systems; spark plugs; oxygen and air fuel ratio sensors; fuel injection systems; brake hoses; alternators; ignition coils; power window motors; shock absorbers; and electric power steering assemblies. Settlements with dozens of defendants reached to date total over $550 million.

- ***Kleen Products, Inc. et al. v. International Paper, et al.*, 10-CV-5711 (N.D. Ill.) ("Containerboard Antitrust Litigation")**

  As co-lead counsel for a class of direct purchasers of containerboard and related products in this antitrust price-fixing case, FKLM recovered $376 million dollars through settlement after more than 7 years of heavily contested litigation, including two appeals to the Seventh Circuit Court of Appeals.

- ***In re Pharmacy Benefit Managers Antitrust Litigation*, MDL No. 1782 (E.D. Pa.)**

  FKLM is serving as co-lead counsel in these consolidated class actions brought on behalf of retail pharmacies against prescription benefit managers for fixing at artificially low levels the prices paid to pharmacies for pharmaceuticals sold, and reimbursement for services rendered, to the members of plans created by the prescription benefit managers. The complaints allege that the prescription benefit managers illegally aggregate the purchases of their members in order to effectuate the underpayment.

- ***In re Hydrogen Peroxide Antirust Litigation*, MDL 1682 (E.D. Pa.)**

  FKLM attorneys served as co-lead counsel in this antitrust price-fixing action against hydrogen peroxide producers. The case resulted in settlements of over $97 million for the class. In approving the Plaintiffs' motion for an award of attorneys' fees and expenses, Judge Stewart Dalzell lauded co-lead counsel:

  > [t]he "skill and efficiency of the attorneys involved" is of a very high order indeed, and as we noted at the fairness hearing yesterday, we have been impressed that these attorneys have prosecuted this matter vigorously against seasoned opponents without needlessly distracting the Court with discovery disputes.

- ***In re Brand Name Prescription Drugs Antitrust Litigation*, MDL 997 (N.D. Ill.)**

  FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action. Settlements totaling approximately $715 million were recovered on behalf of the plaintiff class.

- ***In re Clozapine Antitrust Litigation*, MDL No. 874 (N.D. Ill.)**

  FKLM attorneys served as co-lead counsel in this antitrust class action against Caremark and Sandoz Pharmaceuticals alleging that the defendants entered into an illegal agreement to distribute a drug known as Clozaril by tying it to the purchase of a blood testing system, by fixing the price of the packaged sale, and by conspiring to monopolize the relevant market. More than $20 million was recovered for the class.

- ***In re High Fructose Corn Syrup Antitrust Litigation*, MDL 1087 (C.D. Ill.)**

  FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action against major manufacturers of high fructose corn syrup. The case was settled for $531 million for the class. At the close of the hearing where counsel fees were approved, Judge Michael M. Mihm stated:

  > I've said many times during this litigation that you and the attorneys

> who represent the defendants here are as good as it gets. Very professional. At least in my presence or in my contacts with you, you've always been civil. You've always been cutting to the chase and not wasting my time or each other's time or adding to the cost of the litigation.

- ***In re Linerboard Antitrust Litigation*, MDL 1261 (E.D. Pa.)**

  FKLM attorneys served as co-lead counsel in this antitrust price-fixing case, which resulted in settlements of over $200 million for the class.

- ***SchagrinGas Co. v. BP Products North America, et al.*, No. 1:06-cv-3621 (N.D. Ill.)**

  FKLM served as co-lead counsel on behalf of direct purchaser plaintiffs in this nationwide class action involving monopolization claims under Section 2 of the Sherman Act. The case resulted in a settlement of over $50 million for the class.

- ***In re Aftermarket Filters Antitrust Litigation*, MDL 1957 (N.D. Ill.)**

  FKLM served as interim co-lead counsel on behalf of direct purchasers of replacement automobile air and oil filters in this nationwide, antitrust price-fixing case. The case resulted in settlements of nearly $18 million for the class.

- ***In re Flat Glass Antitrust Litigation* (No. II), MDL 1942 (W.D. Pa.)**

  FKLM served as co-lead counsel on behalf of direct purchaser plaintiffs of construction flat glass in this nationwide, antitrust price-fixing case. The case resulted in settlements for the class exceeding $22 million.

- ***In re Urethane Chemicals Antitrust Litigation*, MDL 1616 (D. Kan.)**

  FKLM attorneys served as co-lead counsel in this antitrust price-fixing action. The case resulted in settlements of $33 million for the class.

- ***In re Methyl Methacrylate (MMA) Antitrust Litigation*, MDL 1768 (E.D. Pa.)**

  FKLM served as co-lead counsel in this antitrust price-fixing action against producers of methyl methacrylate and polymethyl methacrylate. The case resulted in a settlement of over $15 million for the class.

- ***In re Infant Formula Antitrust Litigation*, MDL 878 (N.D. Fla.)**

  FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action against the major manufacturers of infant formula. The case settled for over $125 million for the class.

- ***In re Chubb Drought Insurance Litigation*, MDL 782 (S.D. Ohio)**

  FKLM attorneys served as co-lead counsel in this class action filed on behalf of farmers who purchased drought insurance that Chubb refused to honor. The settlement exceeded $110 million and was achieved in less than 9 months. This sum, together with $8 million recovered at trial against Chubb's general agent, resulted in complete recovery for the affected farmers.

- ***In re Ocean Shipping Antitrust Litigation*, MDL 395 (S.D.N.Y.)**

  FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action, which resulted in a $79 million recovery for thousands of U.S. and European shippers. Distributions were made to claimants in the United States and throughout a number of European countries.

- ***In re Isostatic Graphite Antitrust Litigation*, Master File 00-CV-1857 (E.D. Pa.)**

  FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action. The case resulted in combined settlements of over $11 million for the class.

- ***In re Carbon Dioxide Antitrust Litigation*, MDL 940 (M.D. Fla.)**

  FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action in which the plaintiff class recovered $53 million and achieved significant therapeutic relief for the class.

- ***In re Morrison Knudson Securities Litigation*, CA No. 94-CV-3345 (D. Idaho)**

  FKLM attorneys served as co-lead counsel in this securities class action where the plaintiff class received $43 million and approximately 3 million shares of Morrison Knudson common stock in settlement of their claims.

- ***In re M-L Lee Acquisition Fund Securities Litigation* (D. Del.)**

  FKLM attorneys served as co-lead counsel in this securities class action case against a syndicate of partnerships and its general partners, involving Merrill Lynch and its affiliates, and a leveraged buy-out specialty firm overseen by Thomas H. Lee. The case resulted in a $33 million settlement on behalf of the limited partners.

- ***In re Public Service Company of New Mexico*** **(S.D. Cal.)**

  FKLM attorneys served as lead counsel in this derivative action and obtained $33 million dollars in a joint settlement with class plaintiffs in a related securities fraud class action. Judge Harry R. McCue, District Court Judge for the Southern District of California stated:

  > The petitioners in this case are members of respected law firms which specialize in class action litigation. These attorneys brought considerable legal talents together, and were able to achieve the successful completion of this litigation. They are entitled to fair and reasonable compensation.

- ***Piggly Wiggly Antitrust Litigation*** **(E.D. Tex.)**

  FKLM attorneys served as co-lead counsel in this statewide (Texas) antitrust price-fixing action, which resulted in total settlements of approximately $32 million for class members.

- ***Koch Gathering Systems, Inc. Oil Spill Litigation*** **(Dist. Ct. of Nueces County, Tex.)**

  FKLM attorneys served as co-lead counsel in this case concerning a marine oil spill in which a class consisting of commercial fisherman and shrimpers recovered over $10 million.

OTHER LEADERSHIP ROLES

In addition to serving as lead or co-lead counsel, FKLM attorneys regularly play key roles as members of executive or steering committees, negotiating ESI issues, taking and defending depositions, working with expert witnesses, and managing all aspects of pre-trial discovery.

- ***In re Toyota Hybrid Brake Litig.*****, No. 4:20-cv-00127-ALM (E.D. Tex.)**

  FKLM partner Kimberly Justice serves on the Plaintiffs' Executive Committee in this class action arising from allegations that Toyota manufactured, sold, and leased certain Toyota vehicles with defective braking systems.

- ***In Re: TikTok, Inc., Consumer Privacy Litigation*, MDL No. 2948 (N.D. Ill.)**

  FKLM partner Jonathan Jagher serves on the Plaintiffs' Steering committee in this class action related to allegations of data privacy violations involving the popular app and the creation of short videos on mobile devices.

- ***In Re: Morgan Stanley Data Security Litigation*, 1:20-CV-05914 (S.D.N.Y.)**

  FKLM partner Jonathan Jagher serves on the Plaintiffs' Executive Committee in this data privacy class action related to allegations that Morgan Stanley failed to safeguard its customers' highly sensitive personally identifiable information.

- ***In re DPP Beef Antitrust Litigation*, 0:20-CV-01319 (D. Minn.)**

  FKLM serves on the Plaintiffs' Steering Committee in this antitrust class action alleging that the country's biggest beef companies have illegally conspired to both raise the price of beef and lower the amount paid to cattle ranchers.

- ***Cameron et al. v. Apple, Inc.*, 4:19-cv-03074 (N.D. Cal.)**

  FKLM serves as class counsel and as an Executive Committee Member in this antitrust class action arising from Apple's abusive monopoly in the distribution of iOS apps and related products, seeking to get rid of its pricing mandates, and to reimburse developers for overcharges made through abuse of its monopoly power.

- ***In re Farm-Raised Salmon and Salmon Products Litigation*, 19-CV-21551 (S.D. Fla.)**

  FKLM serves as a member of the Direct Purchaser Plaintiffs' Executive Committee in this case alleging various North Atlantic farms engaged in restrictive business practices including illegal price-fixing and violated rules prohibiting cartels.

- ***In re Local TV Advertising Antitrust Litigation*, MDL No. 2867 (N.D. Ill.)**

  FKLM serves court appointed roles both on the Plaintiffs' Steering Committee, and as Liaison Counsel in this multidistrict, antitrust class action accusing the primary industry players of fixing television advertising prices.

- ***In re German Automotive Manufacturers Antitrust Litigation*, 17-md-02796 (N.D. Cal.)**

  FKLM partner Kimberly Justice served on the Plaintiffs' Steering Committee in this multi-district class action accusing Audi, BMW, Volkswagen and other German automakers of a decades-long antitrust conspiracy covering car technology, costs, suppliers and emissions equipment.

- ***Washington County Health Care Auth., Inc., et al. v. Baxter Int'l Inc., et al.*, 16-CV-10324 (N.D. Ill.)**

  FKLM is serving as interim liaison counsel this class action alleging that the major U.S. manufacturers of a critical medical product, intravenous saline solution ("IV Saline Solution"), conspired to restrict output and artificially fix, raise, maintain and/or stabilize the prices of IV Saline Solution sold throughout the United States, under the pretext of a supply shortage.

- ***Mulhern, et al. v. Pepperidge Farm*, 16-CV-32199 (N.D. Ill.)**

  FKLM is serving as interim liaison counsel and managing discovery efforts in this class action alleging that drivers/distributors are improperly classified by Pepperidge Farm as "independent contractors" in order to wrongfully deny them certain compensation and other benefits.

- ***In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.)**

  FKLM served as a member of the Direct Purchaser Plaintiff Direct Purchaser Plaintiffs' Steering Committee in this case on behalf of direct purchasers of Lithium-Ion Battery products in this nationwide price fixing case. More than $138 million was recovered for the class.

- ***In re Rail Freight Fuel Surcharge Antitrust Litigation*, MDL 1869 (DC)**

  FKLM is serving as co-chair of the Executive Committee in this case on behalf of direct purchasers of rail freight services that paid fuel surcharges in this nationwide, antitrust price-fixing case.

- ***Standard Iron Works v. ArcelorMittal et al*., 08-CV-5214 (N.D. Ill.)**

  FKLM was appointed as liaison counsel on behalf of direct purchasers of steel in this nationwide supply manipulation and price-fixing case.

- ***In re Blood Reagents Antitrust Litigation*, MDL 2081 (E.D. Pa.)**

  FKLM is serving as a member of the Executive Committee in this nationwide antitrust class action brought on behalf of direct purchasers of blood reagents.

- ***In re NCAA Student-Athlete Name & Likeness Licensing Litigation,*** **4:09-CV-1967 (N.D. Cal.)**

  FKLM attorneys managed a variety of critical discovery matters in this antitrust case brought on behalf of former collegiate athletes.

- ***In re Fresh and Process Potatoes Antitrust Litigation*****, MDL 2186 (D. Idaho)**

  In addition to handling all aspects of discovery concerning two defendants, FKLM attorneys worked closely with lead counsel in drafting the consolidated complaint and successfully opposing a motion to dismiss in this nationwide antitrust class action brought on behalf of direct purchasers of fresh and process potatoes.

- ***In re Processed Egg Products Antitrust Litigation*****, MDL 2002 (E.D. Pa.)**

  FKLM attorneys worked closely with lead counsel in drafting the original complaint and successfully opposing a motion to dismiss in this nationwide antitrust class action brought on behalf of direct purchasers of eggs and egg products.

- ***In re Cathode Ray Tube (CRT) Antitrust Litigation*****, MDL 1917 (N.D. Cal.)**

  FKLM served as Chair of Discovery and worked closely with lead counsel to manage a variety of top level matters, including negotiating ESI issues and taking key depositions in this nationwide price-fixing class action with over $100 million in partial settlements.

- ***In re Optical Disk Drive (ODD) Antitrust Litigation*****, MDL 2143 (N.D. Cal.)**

  FKLM was one of several firms that assisted lead counsel with discovery and briefing in this nationwide price-fixing class action brought on behalf of direct purchasers of optical disk drives.

- ***In re Municipal Derivatives Antitrust Litigation*****, MDL 1940 (S.D.N.Y.)**

  FKLM oversaw discovery of a key defendant and worked closely with lead counsel on a variety of other pre-trial matters in this nationwide class action brought on behalf of purchasers of municipal derivatives.

- ***In re American Express Anti-Steering Rules Antitrust Litigation (No. II)*****, MDL 2221 (E.D.N.Y.)**

  FKLM managed discovery of independent merchant (opt-out) plaintiffs in this nationwide antitrust case.

- ***In re Air Cargo Shipping Services Antitrust Litigation*, MDL 1775 (E.D.N.Y.)**

  FKLM attorneys served as co-chairs of discovery in this antitrust class action involving claims under Section 1 of the Sherman Act. Settlements in the case totaled nearly $600 million.

- ***In re Intel Corp. Microprocessor Antitrust Litigation*, MDL 1717 (D. Del.)**

  FKLM attorneys managed discovery from dozens of named plaintiffs in this nationwide antitrust action. Among other things, the firm played a key role in overseeing document production and coordinating, managing and defending over 50 depositions.

- ***In re Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.)**

  FKLM attorneys served as co-chairs of discovery in this antitrust price-fixing action, which resulted in over $1.3 billion in settlements.

- ***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, MDL 1486 (N.D. Cal.)**

  FKLM attorneys served as co-chairs of discovery in this nationwide, antitrust price-fixing action, which resulted in settlements of over $300 million for class members.

- ***In re Rubber Chemicals Antitrust Litigation*, MDL 1648 (N.D. Cal.)**

  FKLM attorneys served on the executive committee in this nationwide, antitrust price-fixing action, which resulted in settlements of over $300 million for class members.

- ***In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation*, MDL 1542 (D. Conn.)**

  FKLM attorneys served as co-chairs of discovery in this nationwide antitrust price-fixing action, which has resulted in settlements of over $87 million for class members.

- ***In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL 1819 (N.D. Cal.)**

  FKLM was a member of the executive committee representing direct purchaser plaintiffs in this antitrust price-fixing case which resulted in settlements exceeding $76 million.

- ***In re Waste Management, Inc. Securities Litigation*, Master File 97-CV-7709 (N.D. Ill.)**

  FKLM attorneys were actively involved in litigating the case and served as liaison counsel. A settlement for the plaintiff class of $220 million was obtained.

- ***Blinder Robinson Securities Litigation* (E.D. Pa.)**

  FKLM attorneys served as members of the Steering Committee in this securities fraud action in which an injunction was obtained preventing a transfer of assets; judgment of $71 million was later entered.

- ***In re Drill Bits Antitrust Litigation*, CA No. H-91-627 (S.D. Tex.)**

  FKLM attorneys served as members of the Steering Committee in this antitrust price-fixing class action and were instrumental in achieving a settlement for the class in excess of $52 million.

- ***In re Industrial Gas Antitrust Litigation*, CA No. 80 C. 3479 (N.D. Ill.)**

  FKLM attorneys served as members of the executive committee in this antitrust price-fixing class action, which ultimately recovered more than $50 million dollars for the class. The settlement included assignable purchase certificates, which the court found increased the competitive value of the settlement.

- ***In re Records and Tapes Antitrust Litigation* (N.D. Ill.)**

  FKLM attorneys served as members of the executive committee in this antitrust price-fixing class action. The class recovered $26 million dollars in settlement in cash and assignable purchase certificates.

- ***Kaufman v. Motorola, Inc.* (N.D. Ill.)**

  FKLM attorneys were actively involved in litigating the case and served as liaison counsel. A settlement of $25 million was obtained for the plaintiff class.

- ***In re Unisys Securities Litigation*, CA No. 99-5333 (E.D. Pa.)**

  FKLM attorneys served on the executive committee in this derivative action in which Plaintiffs recovered $20 million for corporation.

* * *

Other large class action cases in which FKLM attorneys were involved in a leadership

position include *In re Folding Cartons Antitrust Litigation*, *In re Plywood Antitrust Litigation*, *In re Standard Screws Antitrust Litigation*, *In re Cotton Yarn Antitrust Litigation*, *In re Glass Containers Antitrust Litigation*, *In re Aluminum Siding Antitrust Litigation*, *Rusty Jones Warranty Litigation*, *NPA Securities Litigation*, *In re Chlor-alkali and Caustic Soda Antitrust Litigation*, and *In re Potash Antitrust Litigation*.

FKLM frequently serves as local counsel for a variety of cases, working closely with law firms located outside of Illinois. Some examples include *North Miami General Employees Retirement Fund et al. v. Parkinson et al.,* Case No. 1:10-cv-06514 (N.D. Ill.) (pending), *Marvin H. Maurras Revocable Trust v. Bronfman Jr. et al.*, Case No. 1:12-cv-03395 (N.D. Ill.) (pending), and *St. Lucie County Fire District Firefighters' Pension Trust Fund v. Motorola, Inc. et al*., Case No. 1:10-cv-00427 (N.D. Ill.) actions where FKLM was appointed as liaison counsel.

ATTORNEY PROFILES

Michael J. Freed

After leaving the Department of Justice Antitrust Division, Mr. Freed has engaged in private antitrust class action litigation for 50 years. He has served as co-lead counsel in many prominent antitrust and securities fraud class action cases. Presently, Mr. Freed is serving as co-lead counsel in the *Kleen Products v. International Paper/Containerboard Antitrust* case and *In re Opana ER Antitrust Litigation*. Prior antitrust class actions in which Mr. Freed served as co-lead counsel include *In re Aftermarket Filters Antitrust Litigation, In re Brand Name Prescription Drugs Antitrust Litigation*, *In re High Fructose Corn Syrup Antitrust Litigation*, *In re Linerboard Antitrust Litigation*, *In re Carbon Dioxide Antitrust Litigation*, *In re Infant Formula Antitrust Litigation*, and *In re Ocean Shipping Antitrust Litigation.* More than $2 billion has been recovered for the plaintiff classes in cases in which Mr. Freed has served as co-lead counsel.

Mr. Freed has been named an Illinois Super Lawyer by Chicago Magazine, an Illinois Leading Lawyer by the Leading Lawyer's Network, and one of the top plaintiffs' antitrust lawyers in Illinois by Chambers and Partners. In March 2007, Mr. Freed was honored by the Chicago Appleseed Fund for Justice for his exceptional pro bono efforts.

Mr. Freed was formerly a trial and appellate attorney with the United States Department of Justice, Antitrust Division (Honors Program). He is a graduate of the University of Pennsylvania (B.S., 1959) and University of Chicago Law School (J.D., 1962).

Steven A. Kanner

Mr. Kanner has over 30 years' experience in complex antitrust litigation and previously led the class action practice at Much Shelist Freed. His experience includes investigation, discovery, trial and appeal of antitrust, securities and other complex cases. Mr. Kanner has been designated an Illinois Super Lawyer by *Chicago Magazine* for the past 5 years and is a frequent lecturer both domestically and internationally on antitrust and trade regulation.

With respect to class action matters, Mr. Kanner has been involved in a leadership capacity in many of the cases described above. Mr. Kanner is currently serving as co-lead counsel or interim co-lead counsel include *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.), (an international price fixing conspiracy of historic proportions which currently includes individual cases for Wire Harnesses, Instrument Panel Clusters, Fuel Senders, Heater Control Panels, Occupant Safety Systems, Ball Bearings, Air Conditioning Systems, Windshield Wiper Systems, Starters, Alternators, Windshield Washer Systems).

Historically, Mr. Kanner has been appointed by federal and state courts as co-lead counsel in a broad array of important cases, which have resulted in recoveries of hundreds of millions of dollars. Some of these cases include: *In re Aftermarket Filters Antitrust Litig.*, MDL 1957 (N.D. Ill.) (settlements of over $17 million); *In re Carbon Dioxide Antitrust Litig.,* MDL 940 (M.D. Fla.) (settlements of over $53 million); *In re Flat Glass Antitrust Litig.* (No. II), MDL 1942 (W.D. Pa.) (settlements of over $22 million); *In re Hydrogen Peroxide Antirust Litig.*, MDL 1682 (E.D. Pa.) (settlements of over $97 million); *In re Isostatic Graphite Antitrust Litig.*, No. 00-cv-1857 (E.D. Pa.) (settlements of over $11 million); *In re Koch Gathering Systems, Inc. Oil Spill Litig.*, (Dist. Ct. of Nueces County, Tex.) (settlements of over $10 million); and *In re Texas Bread Antitrust Litig.*, No. 95-cv-0048 (E.D. Tex.) (settlements of over $32 million).

A 1979 graduate of DePaul University Law School, Mr. Kanner is admitted to the Bars of Illinois, the Northern District of Illinois (member of the trial bar), the United States Court of Appeals (Second, Third, Fourth, Fifth, Seventh and Tenth Circuits) and the United States Supreme Court. He is also a member of the Chicago Bar Association (Committees on Litigation and Antitrust Law), the Illinois State Association (Sections on Antitrust Law and Litigation), the American Bar Association (Sections on Antitrust Law and Litigation), the Illinois Trial Lawyers Association, and the Decalogue Society where he previously served on the Editorial Board of the Society's Law Journal. Prior to entering private practice, Mr. Kanner was employed by the Federal Trade Commission as a consumer affairs specialist.

Douglas A. Millen

Mr. Millen devotes his practice to prosecuting direct purchaser, price-fixing class actions and has played a key role in many of the most successful price-fixing cases in the United States. For example, Mr. Millen was recently appointed to serve on the Plaintiffs' Steering Committee for the *In re DPP Beef Antitrust Litigation* (D. Minn.) Mr. Millen was appointed to serve on the Direct Purchaser Plaintiffs' Steering Committee in *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal) which ultimately obtained almost $140 million for the class. Mr. Millen has also played a prominent role in many of the largest antitrust cases in recent history – including: *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL 1971 (N.D. Cal.), where he served as Chair of Discovery and aided in the recovery of more than $210 million of the class; *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, MDL 1486 (N.D. Cal.); *In re Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.); and *In re Rubber Chemicals Antitrust Litigation*, MDL 1648 (N.D. Cal.) – and his efforts have assisted in the recovery of billions of dollars for class members. Accordingly, he has been recognized as one of the nation's top competition lawyers by various publications, including *Global Competition Review,* and as a top Plaintiffs' lawyer by *Lawdragon 500 Leading Lawyers in America*. Mr. Millen currently represents several Fortune 500 companies in the *Rail Freight Fuel Surcharge Antitrust Litigation* and provides antitrust compliance consultation services for large, multi-national companies.

Mr. Millen is a graduate of the University of Michigan (B.G.S., 1991) and University of Illinois College of Law (J.D. *magna cum laude*, 1994). In 1994, he was admitted to the New York and Connecticut State Bars; and in 1995 he was admitted to the Illinois State Bar. He is also admitted to practice in the Northern and Southern Districts of Illinois. Mr. Millen is a member of the American Bar Association, Antitrust Section and the Chicago Bar Association. Prior to founding FKLM, Mr. Millen was a partner at Much Shelist Freed, where he practiced with the class action group from November 1995 through December 31, 2006.

William H. London

Mr. London has been litigating class action cases for over 25 years. He served as trial counsel for the plaintiff class in *In re High Pressure Laminates Antitrust Litigation*, a case that was tried before a jury in the Southern District of New York. He was actively involved in several cases in which FKLM was serving in a leadership capacity, including *In re Flat Glass Antitrust Litigation (No. II)*, MDL No. 1942 (W.D. Pa.); *In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL No. 1819 (N.D. Cal); and *In re Hydrogen Peroxide Antitrust Litigation*, MDL 1682 (E.D. Pa.). Mr. London presently has significant involvement in *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.) and *In re Optical Disk Drive Products Antitrust Litigation*, No. 3:10-md-2143 (N.D. Cal.).

Mr. London graduated *Magna Cum Laude* from Syracuse University in 1984 and received his law degree in 1987 from IIT Chicago-Kent College of Law. In 1987, he was admitted to the Illinois Bar and the Federal Bar; and in 1988, he was admitted to practice before the United States Court of Appeals for the Seventh Circuit. Mr. London is a member of the American Bar Association and is a past-Chairman of the Chicago Bar Association Class Litigation Committee. He was formerly an Assistant Attorney General for the State of Illinois,

during which time he argued cases in the United States Court of Appeals for the Seventh Circuit and the Illinois Supreme Court. Since 1990, Mr. London has concentrated on complex and commercial litigation, with an emphasis on class action litigation involving antitrust claims. Mr. London practiced with Much Shelist Freed from March 1993 through December 31, 2006.

Michael E. Moskovitz

Michael E. Moskovitz is a partner at Freed Kanner London & Millen LLC and has been involved in trial and appellate litigation for more than 15 years. Since 2000, he has concentrated on complex commercial litigation, with a primary emphasis on class action litigation involving antitrust, securities fraud, and consumer fraud claims. Mr. Moskovitz previously played a key role in the class action practice of Much Shelist Freed. He is significantly involved in several pending antitrust class actions, *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.), and *In re Vehicle Carrier Services Antitrust Litigation*, MDL No. 2471. Mr. Moskovitz is also a member of The Sedona Conference's Working Group 1 (Electronic Document Retention and Production) and has spoken at The Sedona Conference's Midyear meeting and has co-written papers published by The Sedona Conference.

Mr. Moskovitz is a graduate of Indiana University (B.A., 1993) and New York University School of Law (J.D., 1996).

Robert J. Wozniak

Robert J. Wozniak is a partner at Freed Kanner London & Millen LLC. Since 2001, Mr. Wozniak has been involved in complex commercial litigation, with a primary emphasis on antitrust and consumer class action cases. Prior to engaging in private law practice, Mr. Wozniak worked as a trial attorney for the United States Department of Justice, Antitrust Division (Honors Program). Mr. Wozniak was then employed by Cohen Milstein Hausfeld & Toll, a Washington, D.C. class action firm, before joining Much Shelist Freed in 2004.

The complex antitrust class actions in which Mr. Wozniak has had significant involvement include: *In re Opana ER Antitrust Litigation* (N.D. Ill.); *Mulhern, et al. v. Pepperidge Farm* (N.D. Ill.); *Kleen Products, et al. v. International Paper, et al.* (N.D. Ill.) ("*Containerboard Antitrust Litigation*"); *In re NCAA Student-Athlete Names & Likeness Licensing Litigation* (N.D. Cal.); *In re Fresh and Process Potatoes Antitrust Litigation* (D. Idaho); *In re Municipal Derivatives Antitrust Litigation* (S.D.N.Y.); *In re Flat Glass Antitrust Litigation (II)* (W.D. Pa.); *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D. Cal.); *In re Static Random Access Memory (SRAM) Antitrust Litigation* (N.D. Cal.); *In re Hydrogen Peroxide Antitrust Litigation* (E.D. Pa.); *In re Intel Corp. Microprocessor Antitrust Litigation* (D. Del.); *In re Dynamic Random Access Memory (DRAM) Litigation* (N.D. Cal.); *In re Buspirone Antitrust Litigation* (S.D.N.Y.); and *In re Terazosin Hydrochloride Antitrust Litigation* (S.D. Fla.).

Mr. Wozniak is a graduate of the University of Michigan (B.A., 1988), University of Minnesota (M.A., 1994), and Wayne State University Law School (J.D., 2000, *cum laude*, Order of the Coif). He has been admitted to practice law in Illinois, Michigan and the District of Columbia.

Kimberly A. Justice

Kimberly A. Justice, a partner of the Firm, is a respected litigator and experienced trial lawyer who has dedicated her career to obtaining justice for those harmed by corporate fraud. She focuses her practice on class action litigation, including antitrust, consumer and securities fraud matters. Ms. Justice has extensive experience in all aspects of complex litigation from investigating and developing an initial case theory, to formulating and managing litigation strategy, to conducting discovery, to trial.

She has secured sizeable recoveries on behalf of investors in several high-profile securities fraud cases. Kimberly also led the trial team that obtained a jury verdict in favor of investors in the *In re Longtop Fin. Tech. Ltd. Sec. Litig.*, No. 11-cv-3658 (S.D.N.Y) securities class action litigation, among just a handful of securities cases to be tried to jury verdict.

Ms. Justice also has served as lead or co-lead counsel in several nationwide antitrust and securities fraud class actions. Most recently, Ms. Justice was appointed as Co-Lead Counsel in *In re Peanut Farmers Antitrust Litigation*, 2:19-cv-00463 (E.D. Va.), which settled for $102.75 million for the class, and *In re: Chicago Board of Options Exchange Volatility Index Manipulation Antitrust Litigation* (N.D. Ill.). Ms. Justice also serves on the Plaintiff Steering/Executive Committees in, *In re Local TV Advertising Antitrust Litigation*, No. 18-cv-06785 (N.D. Ill.); *In re Farm-Raised Salmon and Salmon Products Litigation,* No. 19-cv-21551; and *In re Toyota Hybrid Brake Litig*., No. 4:20-cv-00127-ALM (E.D. Tex.). Ms. Justice also served on the Plaintiff Steering Committee in *In re: Liquid Aluminum Sulfate Antitrust Litigation*, No. 16-md-02687 (D.N.J.) (over $90 million in settlements for direct purchaser plaintiff class) and *In re German Automotive Manufacturers Antitrust Litigation*, No. 17-md-02796 (N.D. Cal.).

Prior to entering private practice, Ms. Justice served as a federal antitrust prosecutor for nearly a decade where she led teams of trial attorneys and law enforcement agents who investigated and prosecuted domestic and international cartel activity, including in the following industries: graphite electrodes, carbon products, ocean shipping and benchmark interest rates (LIBOR).

Ms. Justice graduated *magna cum laude* from Temple University Beasley School of Law, where she served as an Articles Editor of the Temple Law Review. Kimberly earned her B.A. *cum laude* from Kalamazoo College. Upon graduating from law school, Ms. Justice served as a judicial clerk to the Honorable William H. Yohn, Jr. of the United States District Court for the Eastern District of Pennsylvania.

Ms. Justice frequently lectures and serves on discussion panels concerning antitrust and securities litigation matters and currently serves as a member of the Advisory Board of the American Antitrust Institute and as an Advisory Council Member for The Duke Conferences: Bench-Bar-Academy Distinguished Lawyers' Series.

Jonathan M. Jagher

Prior to entering private practice, Mr. Jagher served as a supervising Assistant District Attorney for the Middlesex District Attorney in Cambridge, Massachusetts. As a prosecutor, he conducted numerous investigations and tried approximately forty cases before a jury.

Mr. Jagher is a partner at Freed Kanner where he has a national practice representing plaintiffs in antitrust and consumer class actions. Recent cases include: *In re Peanut Farmers Antitrust Litigation*, 2:19-cv-00463 (E.D. Va.), (settlements totaled $102.75 million); *In re Automotive Parts Antitrust Litigation*, MDL No. 2311 (E.D. Mich.) (settlements with dozens of defendants reached to date total over $550 million); *In re OSB Antitrust Litigation*, Master File No. 06-CV-00826 (E.D. Pa.)(settlements totaled $120 million); and *In re Broiler Chicken Antitrust Litigation*, 1:16-cv-08637 (N.D. Ill.).

Mr. Jagher was appointed to serve on the Plaintiffs' Steering Committee in *In Re: TikTok, Inc., Consumer Privacy Litigation*, MDL No. 2948 (N.D. Ill.), a class action related to allegations of data privacy violations involving the popular app and the creation of short form videos on mobile devices. In this case, Mr. Jagher was one of the primary negotiators of a $92 million settlement pending final approval. Mr. Jagher serves a lead role for Freed Kanner as an Executive Committee member in *Cameron et. al. v. Apple, Inc.* 4:19-cv-03074 (N.D. Cal.)($100 million settlement pending preliminary approval). Mr. Jagher was recently appointed to serve on the Plaintiffs' Executive Committee in *Jones et. al. v. Lemonade Inc.* 1:21-cv-04513 (N.D. Ill.), a class action related to allegations of data privacy violations through Defendant's collection of the biometrics of thousands of Illinois residents who have submitted insurance claims to Defendant. Mr. Jagher also serves on the Plaintiffs' Executive Committee in *In Re: Morgan Stanley Data Security Litigation*, 1:20-CV-05914 (S.D. N.Y.), a data privacy class action related to allegations that Morgan Stanley failed to safeguard its customers' highly sensitive personally identifiable information.

Mr. Jagher received a B.A. degree *magna cum laude* from Boston University in 1998 and a J.D. degree from Washington University School of Law in 2001. He is currently admitted to practice law in Pennsylvania, Massachusetts, the United States District Court for the District of Massachusetts, the United States District Court for the Eastern District of Pennsylvania and the United States Court of Appeals for the Third Circuit. Mr. Jagher currently serves on the Advisory Board of Loyola University School of Law's Institute for Consumer Antitrust Studies and frequently serves as a guest speaker on a multitude of class action issues on panels throughout the United States. Mr. Jagher was named as a Pennsylvania Super Lawyer in 2018, 2019, 2020 and 2021 after having been named as a Super Lawyer Rising Star in 2012, 2013, 2014, 2015 and 2016.

Brian M. Hogan

Brian M. Hogan is a partner at Freed Kanner London & Millen LLC. He specializes in class action litigation and has a wide range of experience successfully handling product liability, mass tort, toxic and environmental exposure, consumer protection and antitrust cases. He has litigated cases in numerous state and federal courts nationwide, including multidistrict litigation. Mr. Hogan has tried over a dozen cases to verdict.

Currently, Mr. Hogan has significant involvement litigating *In re Automotive Parts Antitrust Litigation*, MDL No. 2311 (E.D. Mich.), *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 05-md-1720 (E.D.N.Y.), and *In re Opana ER Antitrust Litigation*, 1:14-cv-10150 (N.D. Ill.) where Freed Kanner London & Millen is court-appointed co-lead counsel representing direct purchasers of automotive parts who were overcharged as a result of price-fixing and bid-rigging conspiracies by various sets of defendants throughout the automotive parts industry. The litigation follows the largest United States Department of Justice criminal antitrust investigation in history.

Mr. Hogan received a B.A. from Indiana University and his J.D. from Chicago-Kent College of Law.

D. Patrick Huyett

D. Patrick Huyett is an associate at FKLM. He is an accomplished and strategic litigator who focuses on helping small businesses and consumers obtain redress for anticompetitive conduct and other unlawful business practices.

Mr. Huyett joined FKLM from the Federal Trade Commission, where he served as an enforcement attorney in the Health Care Division of the Bureau of Competition. While at the FTC, Pat worked extensively on the agency's case against Martin Shkreli and his companies, *FTC v. Vyera Pharmaceuticals, LLC* (S.D.N.Y.), which alleged that the defendants drastically raised the price of a life-saving drug and protected that price increase with a multifaceted anticompetitive scheme. In addition, Pat was part of the litigation teams in *FTC v. Surescripts, LLC* (D.D.C.) and *FTC v. Actavis, Inc*. (N.D. Ga.), and he also engaged in several nonpublic investigations into anticompetitive conduct in the healthcare industry.

In litigating cases on behalf of harmed business and consumers, Pat also draws on the diverse experience he gained before the FTC. At the start of his career, Pat served as a law clerk for the Honorable William H. Yohn, Jr. of the U.S. District Court for the Eastern District of Pennsylvania and the Honorable Marjorie O. Rendell of the U.S. Court of Appeals for the Third Circuit. After clerking, Pat worked at the global law firm Morgan, Lewis & Bockius LLP, where he focused on antitrust, qui tam, and securities litigation and investigations.

Mr. Huyett graduated *magna cum laude* from Temple University Beasley School of Law,

where he was a member of the Order of the Coif and served as the Executive Editor of the Temple Law Review. Pat earned his B.A. from Dickinson College.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF GARY E. MASON IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Gary E. Mason, hereby declare and state as follows:

1. I am an attorney duly admitted to practice before this Court. I am a founding partner at the law firm of Mason Lietz & Klinger LLP ("MLK"), one of the law firms representing Plaintiffs in this Action.[1]

2. MLK was appointed one of the Settlement Class Counsel in this Action. Order Granting Prelim. Approval at 3, ECF No. 137. I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs, and Service Awards, filed concurrently. I am personally familiar with the facts set forth in

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). *See* ECF No. 143-1.

this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

3. MLK has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current attorneys from MLK, in addition to myself, who have worked on this Litigation are David K. Lietz and Danielle L. Perry.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester, represented by MLK and others, filed their Class Action Complaint in this Court against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect their PII. Compl., ECF No. 1 ("*Culbertson*"). On May 27, 2020, Plaintiff Burns filed her Class Action Complaint against Deloitte. Compl., *Burns v. Deloitte Consulting LLP*, No. 1:20-cv-04077-LJL, ECF No. 1 ("*Burns*"). On May 29, 2020, Plaintiff Alexander filed her Class Action Complaint against Deloitte. Compl., *Alexander v. Deloitte Consulting, LLP*, No. 1:20-cv-04129-LJL, ECF No. 1 ("*Alexander*"). On June 8, 2020, Plaintiff Neal filed her Class Action Complaint against Deloitte. Compl., *Neal v. Deloitte Consulting LLP*, No. 1:20-cv-04362-LJL, ECF No. 1 ("*Neal*"). On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases. Consol. Order, ECF No. 27. On July 2, 2020, the *Bozin*[2] case was consolidated. Consol. Order, ECF No. 36.

[2] On May 21, 2020, Plaintiffs Bozin, Smith, and Polichena filed their Class Action Complaint in the Court of Common Pleas for Cuyahoga County, Ohio. On May 28, 2020, they filed an Amended Complaint, adding Plaintiffs Nolen and Hornbeck. On May 29, 2020, Deloitte removed the *Bozin* case to this Court. *See* Not. of Removal, *Bozin v. Deloitte Consulting LLP*, No. 1:20-cv-05070-LJL, ECF No. 1 ("*Bozin*").

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan. ECF No. 129 (the "Motion"). On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. ECF Nos. 137 & 138. On September 20, 2021, the revised Settlement was filed. ECF No. 143-1.

7. Since its inception, as Settlement Class Counsel, MLK has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) drafting of the complaints; (3) legal research; (4) drafting of motions and briefs; (5) participating in case strategy conferences and decisions; (6) settlement discovery; (7) documenting the settlement agreement and preparation of exhibits; and (8) preparing the settlement approval documents. Thus, I am fully familiar with the proceedings.

II. MLK'S LODESTAR AND LITIGATION EXPENSES

8. This declaration generally summarizes the work performed by MLK for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, MLK has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, drafting and filing of the initial *Culbertson* Complaint, Amended Complaint (ECF No. 10), and Consolidated Amended Complaints (ECF Nos. 61 & 82), discovery, drafting and filing of Plaintiffs' Opposition to Deloitte's Motion to Dismiss (ECF No. 103), settlement discussions, preparing settlement approval documents and assistance with Settlement Administration for the Settlement Class Members.

9. Before initiating any action, Class Counsel conducted a thorough investigation of the claims, both legal and factual. Specifically, MLK thoroughly investigated and researched

claims, which allowed Class Counsel to better evaluate the factual claims regarding allegations against Deloitte.

10. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 12, 2021, for MLK's attorneys and paralegals:

Name	Position	Total Hours	Hourly Rate	Amount
Gary E. Mason	Partner	38.4	$875.00	$33,600.00
David K. Lietz	Partner	11.1	$750.00	$8,325.00
Danielle L. Perry	Partner	21.7	$650.00	$14,105.00
Giovanni S. Colon	Paralegal	1.5	$170.00	$255.00
Liam T. O'Rourke	Paralegal	1.5	$170.00	$255.00
Morgan M. Beauchamp	Paralegal	10	$170.00	$1,700.00
Sandra Martin	Paralegal	1.3	$170.00	$221.00
Taylor L. Heath	Paralegal	16.6	$170.00	$2,822.00
Total:		**102.1**		**$61,283.00**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by MLK.

11. The attorneys of MLK billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates of attorneys of comparable experience and skill handling complex litigation. *See e.g., Hill, et al. v. Canidae Corp.*, No. 5:20-cv-1374 (C.D. Cal. Sept. 29, 2021) (approving Mr. Mason's rate of $875 per hour and all rates submitted by MLK); *Newman v. Metro. Life Ins. Co.*, No. 1:20-2016-cv-03530 (N.D. Ill. Jan. 16, 2020) (approving Mr. Mason's rate of $875 per hour); *In re Adobe Sys. Priv. Litig.*, No. 5:13-cv-05226 (N.D. Cal. 2015) (approving Mr. Mason's rate of $775 per hour).

12. During the course of this Action, MLK incurred $218.20 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of

this litigation. These expenses are reflected in the books and records of MLK and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Telephone, Conference Calls and Facsimile	$0.00
Court Costs, Filing Fees and Transcripts	$200.00
Delivery/Courier	$0.00
Carfare, Travel and Meals	$0.00
Legal Research	$18.20
Service of Process	$0.00
TOTAL:	**$218.20**

13. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. MLK HAS A LENGTHY HISTORY OF REPRESENTING CONSUMERS

14. MLK has a lengthy history of representing consumers, employees, businesses and other clients in class action and other commercial litigation. A true and correct copy of MLK's Firm Resume is attached as **Exhibit A**.

15. I am the Founding Partner of MLK and have been working diligently on behalf of the Settlement Class Members in this matter. I have litigated a diverse body of class actions ranging from defective construction materials (*i.e.*, defective radiant heating systems, siding, shingles, and windows), to misrepresented and recalled products (*e.g.*, dog food, prenatal vitamins), and environmental incidents (*e.g.*, the Exxon Valdez, BP Oil Spill).

16. These cases include: Co-Lead Counsel in *In re Hill's Pet Nutrition, Inc., Dog Food Prods. Liab. Litig.*, MDL No. 2887 (D. Kan.) (order granting final approval of $12 million

settlement entered July 30, 2021); court-appointed Co-Lead Counsel in *In re Deva Concepts Prods.*, No. 1:20-cv-01234-GHW (S.D.N.Y.) (order granting preliminary approval of $5.2 million settlement entered July 30, 2021); *Cox v. Shell Oil Co.*, No. 18844, 1995 WL 775363 (Tenn. Ch. Ct. July 31, 1995) (defective polybutylene pipe; $950 million settlement); *Hobbie v. RCR Holdings, II, LLC*, No. 10-113, MDL No. 2047 (E.D. La. filed Apr. 20, 2010) (354-unit condominium built with Chinese Drywall; settlement for complete remediation at cost of $300 million); *Adams v. Fed. Materials*, No. 5:05-CV-90-R, 2006 WL 3772065 (W.D. Ky. Dec. 19, 2006) (350 owners of commercial and residential property whose structures were built with defective concrete; $10.1 million settlement); *In re MI Windows & Doors Inc. Prods. Liab. Litig.*, No. 2:12-MN-00001-DCN, MDL No. 2333, 2015 WL 4487734 (D.S.C. July 23, 2015) (defective windows; claims made settlement for over 1 million homes); *In re Synthetic Stucco Litig.*, No. 5:96-CV-287-BR(2), 2004 WL 2881131 (E.D.N.C. May 11, 2004) (settlements with four EIFS Manufacturers for North Carolina homeowners valued at more than $50 million); *Posey v. Dryvit Sys., Inc.*, No. 17,715-IV, 2002 WL 34249530 (Tenn. Cir. Ct. Oct. 1, 2002) (Co-Lead Counsel; national class action settlement provided cash and repairs to more than 7,000 claimants); *Galanti v. Goodyear Tire & Rubber Co.*, No. 03CV00209, 2004 WL 6033527 (D.N.J. Nov. 17, 2004) (Class counsel; defective radiant heating systems; $330 million settlement); and *In re Zurn Pex Plumbing Prods. Liab. Litig.*, No. 08-MDL-1958, 2013 WL 716088 (D. Minn. Feb. 27, 2013) (Plaintiffs' Executive Committee; +$20 million claims made settlement).

17. Additionally, I served as Co-Lead Counsel in *In re Department of Veterans Affairs (VA) Data Theft Litig.*, No. 1:06-MC-00506, 2007 WL 7621261 (D.D.C. Nov. 16, 2007) (unlawful disclosure of PPI of 28.5 million military veterans and active-duty personnel; $20 million settlement fund) and *In re Google Buzz Priv. Litig.*, No. C 10-00672 JW, 2011 WL 7460099 (N.D.

Cal. June 2, 2011) ($10 million settlement fund in case arising for unauthorized disclosure or personal information).

18. I currently serve as Court-appointed Liaison Counsel in *In re U.S. Off. of Pers. Mgmt. Data Sec. Breach Litig.*, 266 F. Supp. 3d 1 (D.D.C. 2017).

IV. MLK HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS ACHIEVED SIGNIFICANT RECOVERIES FOR CONSUMERS

19. MLK has the experience, resources and ability to adequately represent the Settlement Class Members in this class action lawsuit.

20. MLK's firm resume reflects that the attorneys in this case have successfully adjudicated some of the largest and most important class action lawsuits in the United States and have obtained billions of dollars in settlements and verdicts in a wide range of cases.

21. As members of MLK and other prior law firms, the firm's attorneys have represented both plaintiffs and defendants in more than 1000 class action lawsuits in state and federal courts throughout the United States.

22. With respect to data breach cases, MLK is currently litigating more than 100 cases across the country involving violations of the TCPA, BIPA, privacy violations, data breaches, and ransomware attacks.

23. While the firm's partners have decades of class action experience, it is noteworthy that just in the time since MLK's inception on March 14, 2020, MLK has successfully settled more than 30 data breach or data privacy cases on a class-wide bases, including:

a. *Bailey v. Grays Harbor Cnty. Pub. Hosp. Dist.*, No. 20-2-00217-14 (Wash. Super. Ct. Grays Harbor Cnty.) (class counsel in hospital data breach class action involving approximately 88,000 people; final approval granted September 21, 2020);

b. *Mowery v. St. Francis Healthcare Sys*., No. 1:20-cv-00013-SRC (E.D. Mo.) (class counsel; final approval granted December 22, 2020);

c. *Baksh v. Ivy Rehab Network, Inc*., No. 7:20-cv-01845-CS (S.D.N.Y.) (class counsel in a data breach class action settlement; final approval granted January 27, 2021);

d.

e. *Chatelain v. C, L, & W PLLC d/b/a Affordacare Urgent Care Clinics*, No. 52742-A (Tex. 42nd Dist. Ct. Taylor Cnty.) (appointed class counsel; settlement valued at over $7 million; final approval granted February 24, 2021);

f. *Nelson v. Idaho Cent. Credit Union*, No. CV03-20-00831 (Idaho 6th Jud. Dist. Ct. Bannock Cnty.) (data breach class action involving 17,000 class members; granted final approval of settlement valued at $3.3 million June 1, 2021);

g. *Jackson-Battle v. Navicent Health, Inc.*, No. 2020-CV-072287 (Ga. Super. Ct. Bibb Cnty.) (data breach case involving 360,000 patients; final approval granted August 4, 2021);

h. *Kenney* v. *Centerstone of Am., Inc.*, No. 3:20-cv-01007 (M.D. Tenn. Aug. 9, 2021) (data breach class action settlement involving over 63,000 class members; final approval granted August 9, 2021);

i. *Richardson v. Overlake Hosp. Med. Ctr.*, No. 20-2-07460-8 SEA (Wash. Super. Ct. King Cnty.) (class counsel; final approval granted September 10, 2021).

j. *Chacon v. Nebraska Med.*, No. 8:21-cv-00070 (D. Neb.) (class counsel; final approval granted September 15, 2021); and

k. *Martinez v. NCH Healthcare Sys., Inc.*, No. 2020-CA-000996 (Fla. 20th Jud. Cir. Ct. Collier Cnty.) (final approval granted October 5, 2021).

24. I strongly believe that the Settlement Agreement is favorable for the Settlement Class. It is, in the opinion of the undersigned and other Class Counsel, fair, reasonable, adequate, and worthy of final approval.

* * * * * * * * * * * * *

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

DATED: December 3, 2021

/s/ Gary E. Mason
Gary E. Mason

MASON LIETZ & KLINGER LLP

ATTORNEYS AT LAW

Mason Lietz & Klinger LLP is dedicated to representing plaintiffs in class actions, mass torts and individual cases in courts throughout the United States

Our attorneys have a long history of obtaining major verdicts and settlements. We frequently lead, co-lead, or perform other leadership roles in class actions of national significance. Examples include the Office of Personal Management (OPM) data breach litigation (in which one of our attorneys is appointed Liaison Counsel) and the Entran II product liability litigation (in which one of our attorneys served as Co-Lead Counsel and successfully resolved the case for $330 million).

THE FIRM'S PRINCIPAL LAWYERS

Gary E. Mason
Founding Partner and Chairman

Gary graduated magna cum laude, Phi Beta Kappa, from Brown University and Duke University Law School, where he was an editor of *Law and Contemporary Problems*. He then served as a law clerk for the Honorable Andrew J. Kleinfeld of the U.S. District Court For the District of Alaska. Gary was previously an Associate at Skadden Arps and a Partner at Cohen Milstein where he was the first Co-Chair of its Consumer Protection Practice Group.

Gary is a nationally recognized leader of the class action bar. Focusing on consumer class actions and mass torts, Gary has recovered more than $1.5 billion in the 29 years he has represented plaintiffs. With his broad experience, Gary is nationally known for representing consumers in class actions involving a wide range of defective products, including Chinese drywall, fire retardant plywood, polybutylene pipe, high-temperature plastic venting, hardboard siding, pharmaceutical products, consumer electronics and automobiles. He also is recognized for his successful representation of persons injured by negligently discharged pollutants (e.g., *In re the Exxon Valdez*) and victims of wage theft. He currently represents more than 2,000 Customs and Border Patrol Agents in FLSA litigation against the federal government, more than 1,500 women injured by use of a defective tampon product, thousands of owners of animals injured by contaminated dog food, and over 23 million individuals whose personal data was compromised by the U.S. Office of Personal Management data breach.

Gary was an early advocate for victims of security breaches and privacy violations, starting with the first settlement arising from a Google data breach (*In re Google Buzz*), the Department of Veterans Affairs stolen laptop case, and continuing on more recently to his position as Liaison Counsel in *In re OPM Data Breach Litigation.*

Gary has served in leadership positions in many consumer class actions in State and Federal courts nationwide as well as in MDLs. Gary writes and speaks frequently on topics related to class action litigation. He was the 2012-2013 Co-Chair of the Class Action Litigation group for the American Association for Justice and presently serves as the Chairman of its Rule 23 Task Group. He has repeatedly been named a Washington, DC Super Lawyer for Class Actions.

Gary live in Bethesda, Maryland.

David Lietz
Founding Partner

David's practice concentrates in the areas of complex civil litigation, consumer class actions, and mass torts in federal and state courts nationwide. His class action experience includes a wide range of subject matters, including violations of federal consumer protection laws (such as the FDCPA and TCPA), violations of state consumer protection law, defective products, wage abuse, and data privacy. Mass tort experience includes pharmaceutical litigation.

David also has decades of experience as a trial lawyer, representing plaintiffs in complex actions involving wrongful death and critical injury. Through both trials and settlement, he has recovered millions and millions of dollars for the victims of commercial trucking accidents, commercial airplane crashes, bus crashes, manufacturing and power plant explosions and fires, and construction related injuries and deaths.

David's practice includes appellate work, having briefed and argued multiple cases before federal appellate courts, including *Home Depot v. Jackson* at the Fourth Circuit. David then served as part of the winning brief-writing and oral advocacy team for Home Depot v. Jackson at the United States Supreme Court.

David holds an AV rating from the Martindale-Hubbell Law Directory, an honor he has held since 1998. He is listed in the Bar Register of Preeminent Lawyers, Washington D.C. & Baltimore's Top Rated Lawyers, 2012 - 2015 edition, and has a Martindale-Hubbell Client Distinction Award.

David received his undergraduate degree in Political Science from Luther College in 1988, where he graduated with honors. He received his J.D. from the Georgetown University Law Center in 1991. He is admitted to practice law in the District of Columbia, and is admitted to practice before a number of federal district and appellate courts.

Gary M. Klinger
Founding Partner

Gary is a natural competitor and relishes the challenge of being a litigator. He is a tenacious and dedicated advocate of his client's interests and welcomes every opportunity to help them prevail in complex, high-stakes litigation.

Gary represents clients in class actions involving wide-ranging theories of liability including consumer fraud, breach of contract, privacy violations, conspiracy, violation of the antitrust laws, and other torts. He has been appointed as class counsel to millions of consumers across the country. Gary has recovered tens of millions of dollars for consumers in class action settlements.

Prior to forming Mason, Lietz & Klinger, LLP, Gary was an attorney at one of the premier litigation firms in Chicago where he focused on class action litigation. Gary has successfully represented clients from pre-litigation disputes through trials and appeals in federal and state jurisdictions throughout the country.

Danielle Perry
Founding Partner

Danielle is an attorney at Mason Lietz & Klinger's Washington, D.C. office. Her primary focus is in protecting employee and consumer rights through class action lawsuits.

Danielle graduated from the University of California, Berkeley in 2010 with a Bachelor of Arts in Peace and Conflict Studies. During her undergraduate studies, she managed and rowed for the university's Lightweight Crew Team and also spent a year in Budapest, Hungary, where she interned with the Helsinki Committee, an international human rights organization.

Danielle went on to attend Loyola Law School, where she was on the Board of the Public Interest Law Foundation and headed efforts to promote alternative dispute resolution, including founding a club structured to inform students of developments in mediation and working at The Center for Conflict Resolution.

Prior to joining Mason Lietz & Klinger, Danielle practiced at a plaintiffs' class action firm in Los Angeles, where she worked as an advocate for victims of wage theft–employees who were being deprived of pay and not provided with legally required meal and rest periods. Danielle spent much of her time working on lawsuits brought to recover lost wages and penalties for banking, manufacturing, retail, property management, and trucking industry employees.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF TIFFANY MARKO YIATRAS IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS, AND SERVICE AWARDS

I, Tiffany Marko Yiatras, hereby declare and state as follows:

1. I am over the age of eighteen years and not a party to the action herein.

2. I am an attorney admitted and licensed to practice law in the States of Illinois and Missouri and duly admitted *pro hac vice* before this Court in this matter.

3. I am a founding member of Consumer Protection Legal, LLC ("CPL"), one of the law firms representing Plaintiffs in this Action.[1]

4. Tiffany Marko Yiatras of Consumer Protection Legal, LLC was appointed one of the Settlement Class Counsel in this Action. (Order Granting Preliminary Approval, ECF 137 at 3.) I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs, and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

5. CPL has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

6. The attorneys for CPL who have worked on this Litigation are Tiffany Marko Yiatras and Francis J. "Casey" Flynn, Jr.[2]

7. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On June 8, 2020, Plaintiff Briana Julius, represented by CPL and others, filed a Class Action Complaint against Deloitte alleging negligence, negligence per se, breach of implied contract, bailment, unjust enrichment, violation of New York General Business Law § 349, *et seq*. on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 3:20cv-00542-RJD, Compl., ECF 1.) ("SDIL Action") As part of an effort to voluntarily coordinate, on June 26, 2020, Briana Julius filed a Notice of Voluntary Dismissal without Prejudice in the SDIL Action with the intent of refiling her case as part of a Consolidated Amended Complaint in the instant matter. On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases (ECF 27) and on July 24, 2020, the parties, including Briana Julius, filed a Consolidated Amended Complaint (ECF 61).

8. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

9. Since its inception, as chair of the Third Party Discovery Committee, the attorneys at CPL have actively participated in all aspects of the case, including, but not limited to: (1) case

[2] Francis J. "Casey" Flynn, Jr. submitted his time through the Law Offices of Francis J. Flynn Jr., but now is an attorney for CPL, so he has been included in CPL's Declaration, notably for considerations of administrative efficiency.

investigation; (2) client interviews and fact gathering; (2) drafting of the complaint; (3) working with committee members, drafting FIOA requests, and reviewing third party discovery; (4) legal research; (5) drafting pleadings; (6) drafting memoranda in support of motions; (6) participating in case strategy conferences and decisions; (7) reviewing and analyzing the settlement agreement; (8) assisting Plaintiff Vetting Committee to conduct vetting interviews; and (9) client communications from the inception of the case through date. Thus, I am fully familiar with the proceedings. These tasks required extensive legal research and attention to detail.

10. Additionally, CPL participated in regular calls with Class Counsel. During these calls, various aspects of this Action were discussed.

II. CPL'S LODESTAR AND LITIGATION EXPENSES

11. This declaration generally summarizes the work performed by CPL for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, the attorneys at CPL have worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, filing of the initial Complaint, discovery, initial settlement discussions, among other things.

12. Before initiating any action, Class Counsel conducted a thorough investigation of the claims, both legal and factual. Specifically, CPL thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

13. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 12, 2021, for Tiffany Marko Yiatras and Francis J. "Casey" Flynn, Jr.

Attorney	Total Hours	Hourly Rate	Amount
Tiffany Marko Yiatras (through July 2020)	35.9	$747.00	$26,893.20
Francis J. "Casey" Flynn, Jr. (through July 2020)	6.5	$747.00	$4,855.50
Tiffany Marko Yiatras (August 2020 – Present)	30.5	$759.00	$22,845.60
Francis J. "Casey" Flynn, Jr. (August 2020 – Present)	45.8	$759.00	$34,725.00
TOTALS:	118.7		$89,319.30

14. This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by Tiffany Marko Yiatras and Francis J. "Casey" Flynn, Jr. I have reviewed these time records in order to confirm their accuracy. A true and correct copy of Francis J. Flynn, Jr. and Tiffany M. Yiatras' time records have been submitted to Lead Settlement Counsel and are available at the request of the Court.

15. The practice of both myself and Francis J. "Casey" Flynn, Jr. is to record time in tenth of an hour increments, and to do so contemporaneously. This method of recording time is more accurate than recording time by quarter hour increments, which tends to inflate the amount of time billed for short telephone conferences and other short tasks.

16. Tiffany Marko Yiatras and Francis J. "Casey" Flynn, Jr. billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation. The following are some examples of recent (2011- 2021) class actions that we have litigated — as proposed Class Counsel, Class Counsel, Co-Lead Counsel, members of a Court appointed Steering Committee, or Co-Counsel to the aforementioned – and awarded our then-current reasonable hourly rates at our then current firms:

a. In *In re: Discover Payment Protection Plan Marketing and Sales Practices Litigation*, MDL No. 2217, Case No. 1:10-cv-06994-JWD (N.D. Ill.) (May 10, 2012) (Dkt. 179) (nationwide litigation involving Discover's marketing and sales practices related to its debt suspension/debt cancellation products and other add on products):

Attorney	Years in Practice	Reasonable Rate Approved:
Francis J. "Casey" Flynn, Jr.	11.8	$600.00
Tiffany Marko Yiatras	6.8	$500.00

b. In *In re Bank of America Credit Protection Marketing & Sales Practices Litig.*, Case No. 3:11-md-2269-THE (N.D. Cal.) (January 16, 2013) (Dkt. 96) (nationwide litigation involving Bank of America's marketing and sales practices related to its debt suspension/debt

cancellation products):

Attorney	Years in Practice	Reasonable Rate Approved:
Francis J. "Casey" Flynn, Jr.	12	$600.00
Tiffany Marko Yiatras	7	$500.00

c. In *Esslinger, et al. v. HSBC Bank Nevada, N.A., et al.*, Case No. 2:10-cv-03213-BMS (E.D. Pa.) (November 20, 2012) (Dkt. 140) (nationwide litigation involving HSBC's marketing and sales practices related to its debt suspension/debt cancellation products):

Attorney	Years in Practice	Reasonable Rate Approved:
Francis J. "Casey" Flynn, Jr.	12	$600.00
Tiffany Marko Yiatras	7	$500.00

d. In *Higher One OneAccount Marketing and Sales Practices Litigation*, Case No. 3:12-md-02407-VLB (D. Conn.) (December 15, 2014) (Dkt. 58) (nationwide class action challenging Defendants' marketing of, and fee assessments upon, certain checking accounts used to deliver financial aid funds to students at participating colleges and universities):

Attorney	Years in Practice	Reasonable Rate Approved:
Francis J. "Casey" Flynn, Jr.	14	$600.00
Tiffany Marko Yiatras	9	$500.00

e. In *Hive, L.C., d/b/a The Hive, et al. v. Aspen Waste Systems of Missouri, Inc.*, Case No. 1322-CC00872-SRO (22nd Circuit Court, City of Saint Louis, Missouri) (March 10, 2015) (Dkt. Entry dated 3/10/2015) (class action against Aspen Waste Management of Missouri regarding its practice of charging customers an overweight charge based on the use of unregulated scales that was resolved by way of class settlement that was preliminarily and finally approved in the City of St. Louis):

Attorney	Years in Practice	Reasonable Rate Approved:
Francis J. "Casey" Flynn, Jr.	14.5	$650.00
Tiffany Marko Yiatras	9.5	$550.00

f. In *Tucker v. Papa Johns' International, Inc., et al.*, Case No. 16-L-49-AM (Circuit Court for the Third Judicial Circuit of Illinois (Madison County, Illinois) (October 14, 2016) (Dkt. Entry dated 10/14/2016) (state court class action against Papa John's International, Inc. regarding

its practice of improperly charging sales tax on delivery fees to Illinois residents that was resolved in a class settlement that was preliminarily and finally approved in Madison County, Illinois):

Attorney	Years in Practice	Reasonable Rate Approved:
Francis J. "Casey" Flynn, Jr.	16	$600.00
Tiffany Marko Yiatras	10	$550.00

g. In *Jones, et al. v. First Quality Enterprises, Inc., et al*., 2:14-cv-06305-LDW-ARL (E.D.N.Y.) (February 28, 2018) (Dkt. 78) (nationwide class action litigation regarding Defendants' marketing and sales practices related to a variety of potentially contaminated disposable wipes):

Attorney	Years in Practice	Reasonable Rate Approved:
Francis J. "Casey" Flynn, Jr.	17	$717.00
Tiffany Marko Yiatras	12	$717.00

h. In *Griggs v. Walgreen Co., d/b/a Walgreens, et al*., Case No. 11-L-0685 (Circuit Court for the Twentieth Judicial Court (St. Clair County, Illinois) (November 7, 2018) (Dkt. Entry dated 11/7/2018) (state court class action against Walgreen Co., d/b/a Walgreens regarding its practice of overcharging for a copy a customer's pharmacy records that resulted in a class settlement that was preliminarily and finally approved in St. Clair County, Illinois):

Attorney	Years in Practice	Reasonable Rate Approved:
Francis J. "Casey" Flynn, Jr.	18	$742.00
Tiffany Marko Yiatras	13	$742.00

i. In *Torres, et al. v. Wendy's International LLC*, Case No. 6:16-cv-210-PGB-DCI (M.D. Fla.) (February 26, 2019) (Dkt. 157) (nationwide class action relating to Data Breach):

Attorney	Years in Practice	Reasonable Rate Approved:
Francis J. "Casey" Flynn, Jr.	18	$700.00
Tiffany Marko Yiatras	13	$700.00

17. During the course of this Action, CPL incurred $557.40 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of CPL and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Telephone, Conference Calls and Facsimile	$0.00
Court Costs, Filing Fees and Transcripts	$400.00
Delivery/Courier	$0.00
Carfare, Travel and Meals	$0.00
Legal Research	$0.00
Service of Process	$157.40
TOTAL	**$557.40**

18. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. CPL AND ITS ATTORNEYS HAVE A LENGTHY HISTORY REPRESENTING CONSUMERS, AN EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS, AND HAVE ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS.

19. I am a founding member of CPL and have been working diligently on behalf of the Settlement Class Members in this matter. I have litigated a diverse body of class actions, including consumer protection litigation, data breach litigation, biometric litigation, banking litigation, product defect, food litigation, automotive, false advertising, and TILA Act claims.

20. CPL and its attorneys have a lengthy history of representing consumers and other clients in class action and other litigation. A true and correct copy of the CPL Firm Resume is attached as **Exhibit A**.

21. CPL's firm resume reflects that the attorneys in this case have successfully adjudicated some of the largest and most important class action lawsuits in the United States and have collectively obtained approximately $127 million in recoveries on behalf of their clients and are expected to nearly double that figure in 2022.

22. Since my admission to the bar in 2005 and Mr. Flynn's admission to the bar in 2000, we have each earned appointments in a variety of MDLs and class actions throughout the country. By way of example:

(a) *See, e.g., In Re: TD Bank, N.A., Debit Card Overdraft Fee Litigation*, MDL No.

2613. (Ms. Yiatras and Mr. Flynn were appointed Class Counsel in this Multi-District litigation involving several of TD Bank's overdraft fee practices that resulted in a $70 million dollar class settlement that was preliminarily and finally approved in the District of South Carolina after successfully obtaining class certification.)

(b) *See, also, In re: TikTok Inc. Data Privacy Litigation*. Ms. Yiatras was recently appointed interim lead counsel for the Southern District of Illinois cases in In re: TikTok Inc. Data Privacy Litigation, Case No. 3:20-cv-00457 until such time as the MDL proceedings in the litigation were resolved and the matters were consolidated in the transferee forum or at such time of denial of the pending JPML motion ("JPML Resolution"). On August 4, 2020, the JPML Panel ordered transfer of the ten actions to the Northern District of Illinois for coordinated or consolidated pretrial proceedings. Ms. Yiatras was part of the mediation team, described by Honorable Judge Lee as "a Court-appointed leadership group comprising a diverse cast of experienced plaintiffs' attorneys", which resulted in a $92 million dollar settlement in addition to an array of injunctive relief for the putative settlement class. The Settlement was recently preliminarily approved[3]. A Final Approval Hearing has been set for 2022.

(c) *Griggs v. Walgreen Co., d/b/a Walgreens, et al.*, Case No. 11-L-685, Circuit Court of the Twentieth Judicial Court, St. Clair County, Illinois. Tiffany M. Yiatras was appointed Co-Lead Counsel in a state court class action Tiffany M. Yiatras was appointed Co-Lead Counsel in a state court class action against Walgreen Co., d/b/a Walgreens regarding its practice of overcharging for a copy a customer's pharmacy records that resulted in a class settlement that was preliminarily and finally approved in St. Clair County, Illinois. Francis J. "Casey" Flynn, Jr. was a member of the Plaintiff's Executive Committee in this case.

(d) *Leggett and Dimas v. Walgreen Co., d/b/a Walgreens, et al.* Case No. BC606632, Superior Court of California (Los Angeles) Francis J. "Casey" Flynn, Jr. was appointed Co-Lead

[3] *See*, *In re: TikTok Inc. Data Privacy Litigation*, Preliminary Approval Order https://s3.amazonaws.com/jnswire/jns-media/26/26/11615470/tiktok_settlement_prelim_ok_9-30-21.pdf

Counsel in a state court class action against Walgreen Co., d/b/a Walgreens regarding its practice of overcharging for a copy a customer's pharmacy records that resulted in a class settlement that was preliminarily and finally approved in Los Angeles, California.

(e) *Tucker v. Papa Johns' International, Inc., et al., Case No. 16-L-49.* Tiffany M. Yiatras was appointed Co-Lead Counsel in a state court class action against Papa John's International, Inc. regarding its practice of improperly charging sales tax on delivery fees to Illinois residents that was resolved in a class settlement that was preliminarily and finally approved in Madison County, Illinois.

(f) *In re: Bank of America Credit Protection Marketing & Sales Practices Litigation* – MDL No. 2269. Tiffany M. Yiatras and Francis J. Flynn, Jr., through their previous firm, were active participants of the Plaintiffs' Executive Committee in this Multi-District litigation involving Bank of America's marketing and sales practices relating to its debt suspension/debt cancellation product Credit Protection. In addition to their work on the Plaintiffs' Executive Committee, they served as part of the Expert Sub-Committee and the Legal Writing Subcommittee. Final approval was ultimately granted, before the United States District Court for the Northern District of California. Francis J. "Casey" Flynn, Jr. was also part of the mediation team, which resulted in a $20 million dollar settlement to the class. Francis J. "Casey" Flynn, Jr. was ultimately named Co-Lead Counsel in the matter and argued in part the motion for final approval, which was ultimately granted, before the United States District Court for the Northern District of California.

23. CPL has the experience, resources, and ability to adequately represent the Settlement Class Members in this class action lawsuit.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: November 16, 2021

/s/ Tiffany Marko Yiatras
Tiffany Marko Yiatras

EXHIBIT A

CONSUMER PROTECTION LEGAL, LLC

Consumer Protection Legal, LLC is a plaintiff litigation firm with an office in Saint Louis County, Missouri. The firm focuses its practice on consumer protection litigation, with a particular focus on class action lawsuits.

Tiffany M. Yiatras and Francis J. "Casey" Flynn, Jr. have collectively helped achieve more than $127 million in recoveries on behalf of their clients and are expected to nearly double that figure in early 2022. These results are both nationally recognized settlements on behalf of thousands of injured clients.

The successful track record of Tiffany M. Yiatras and Francis J. "Casey" Flynn, Jr. stems from their commitment to the achievement of the greatest possible result for their clients.

Recognition of their success has been demonstrated in the appointment of Tiffany M. Yiatras and Francis J. "Casey" Flynn, Jr. as Co-Lead and/or as Executive Committee members in highly recognized national cases.

CONSUMER PROTECTION LITIGATION

Tiffany M. Yiatras and Francis J. "Casey" Flynn, Jr. have represented plaintiffs nationwide in a variety of complex consumer class actions. Ms. Yiatras and Mr. Flynn have taken the leading role or provided significant support to those in a leading role in many large state and federal consumer protection class action cases throughout the nation. Examples of current and prior cases include:

- ***In re: Bank of America Credit Protection Marketing & Sales Practices Litigation* - MDL No. 2269.** Tiffany M. Yiatras and Francis J. Flynn, Jr., through their previous firm, were active participants of the Plaintiffs' Executive Committee in this Multi-District litigation involving Bank of America's marketing and sales practices relating to its debt suspension/debt cancellation product Credit Protection. In addition to their work on the Plaintiffs' Executive Committee, they served as part of the Expert Sub-Committee and the Legal Writing Subcommittee. Final approval was ultimately granted, before the United States District Court for the Northern District of California. Francis J. "Casey" Flynn, Jr. was also part of the mediation team, which resulted in a $20 million dollar settlement to the class. Francis J. "Casey" Flynn, Jr. was ultimately named Co-Lead Counsel in the matter and argued in part the motion for final approval, which was ultimately granted, before the United States District Court for the Northern District of California.

- ***Esslinger, et al. v. HSBC Bank Nevada, N.A., et al.*, Case No. 2-10-cv-03213-BMS.** Francis J. "Casey" Flynn, Jr. and Tiffany M. Yiatras acted as Class Counsel in this nationwide litigation involving HSBC's marketing and sales practices related to its debt suspension/debt cancellation products. Francis J. "Casey" Flynn, Jr. and Tiffany M. Yiatras were heavily involved in the drafting of key motions and memoranda throughout the case. Mr. Flynn, Jr. and Ms. Yiatras were also part of the document review team and the

mediation team, which ultimately resulted in a $23.5 million dollar nationwide settlement approved by the United States District Court for the Eastern District of Pennsylvania. Francis J. "Casey" Flynn, Jr. and Tiffany M. Yiatras also played a significant role in the drafting of the settlement agreement, the preliminary approval motion, and documentation in support.

- ***In re: Discover Payment Protection Plan Marketing and Sales Practices Litigation,* MDL No. 2217.** Francis J. "Casey" Flynn, Jr. and Tiffany M. Yiatras were involved in the drafting of multiple motions and memoranda throughout the case. Tiffany M. Yiatras was part of the document review team and the mediation team, which resulted in a $10.5 million dollar settlement on behalf of the class. The settlement was finally approved in the Northern District of Illinois.

- ***Paige Cooperman, et al. v. Galeos, LLC, et al.*, Case No. 8:10-cv-01815-JVS-FFM.** Tiffany M. Yiatras and Francis J. "Casey" Flynn, Jr., through their previous firm, acted as Co-Lead Counsel in a case involving allegations that Defendants' marketing, packaging, and nutritional information on the food labels for their purportedly low-fat, low-calorie salad dressing products were inaccurate and deceptive. The litigation resulted in a class action settlement which was preliminarily and finally approved.

- ***Hive, L.C., d/b/a The Hive, et al. v. Aspen Waste Systems of Missouri, Inc.,*** Tiffany M. Yiatras and Francis J. "Casey" Flynn, Jr. were appointed Co-Lead Counsel in a state court class action against Aspen Waste Management of Missouri's regarding its practice of charging customers an overweight charge based on the use of unregulated scales that was resolved by way of class settlement that was preliminarily and finally approved in the City of St. Louis.

- ***Tucker v. Papa Johns' International, Inc., et al.*, Case No. 16-L-49**. Tiffany M. Yiatras was appointed Co-Lead Counsel in a state court class action against Papa John's International, Inc. regarding its practice of improperly charging sales tax on delivery fees to Illinois residents that was resolved in a class settlement that was preliminarily and finally approved in Madison County, Illinois.

- ***Griggs v. Walgreen Co., d/b/a Walgreens, et al.,* Case No. 11-L-685, Circuit Court of the Twentieth Judicial Court, St. Clair County, Illinois**. Tiffany M. Yiatras was appointed Co-Lead Counsel in a state court class action Tiffany M. Yiatras was appointed Co-Lead Counsel in a state court class action against Walgreen Co., d/b/a Walgreens regarding its practice of overcharging for a copy a customer's pharmacy records that resulted in a class settlement that was preliminarily and finally approved in St. Clair County, Illinois. Francis J. "Casey" Flynn, Jr. was a member of the Plaintiff's Executive Committee in this case.

- ***Leggett and Dimas v. Walgreen Co., d/b/a Walgreens, et al.* Case No. BC606632, Superior Court of California (Los Angeles)** Francis J. "Casey" Flynn, Jr. was appointed Co-Lead Counsel in a state court class action against Walgreen Co., d/b/a Walgreens regarding its practice of overcharging for a copy a customer's pharmacy records that

resulted in a class settlement that was preliminarily and finally approved in Los Angeles, California.

- ***In Re: TD Bank, N.A., Debit Card Overdraft Fee Litigation,* MDL No. 2613**. Ms. Yiatras and Mr. Flynn were appointed Class Counsel in this Multi-District litigation involving several of TD Bank's overdraft fee practices that resulted in a $70 million dollar class settlement that was preliminarily and finally approved in the District of South Carolina after successfully obtaining class certification.

- ***In re: TikTok Inc. Data Privacy Litigation*.** Ms. Yiatras was recently appointed interim lead counsel for the Southern District of Illinois cases in *In re: TikTok Inc. Data Privacy Litigation*, Case No. 3:20-cv-00457 until such time as the MDL proceedings in the litigation are resolved and the matters are consolidated in the transferee forum or denial of the pending JPML motion ("JPML Resolution"). On August 4, 2020, the JPML Panel ordered transfer of the ten actions to the Northern District of Illinois for coordinated or consolidated pretrial proceedings. Ms. Yiatras mediated the matter which resulted in a $90 million dollar settlement in addition to business practice changes. The Settlement was recently preliminarily approved. A Final Approval Hearing has been set for 2022.

- ***Culbertson et al. v. Deloitte Consulting LLP., Case No. 1:20-cv-03962-LJL (Deloitte Data Breach Litigation)***. Ms. Yiatras was recently appointed as Member of the Deloitte Data Breach Litigation Executive Committee. The case involved a class of 237,675 individuals impacted by a data breach involving various Pandemic Unemployment Insurance websites. A settlement was reached, which named Tiffany M. Yiatras of Consumer Protection Legal, LLC as Class Counsel, and has since been preliminarily approved. A final approval hearing has been set for January 2022. Francis J. "Casey" Flynn, Jr. has actively participated throughout the case on the Law and Briefing Committee.

INDIVIDUAL ATTORNEY BIOGRAPHIES

TIFFANY M. YIATRAS, born in Godfrey, Illinois, graduated *cum laude* with a Bachelor of Social Work from Missouri State University in 2002. She earned a Juris Doctor degree from Saint Louis University School of Law in 2005. Of note, she received Saint Louis University School of Law's Pro Bono Legal Services Award in 2005, earned an A+ in Advanced Legal Research, and earned a 161 on the Multistate Bar Exam.

Ms. Yiatras became a member of the Illinois Bar in 2005 and the Missouri Bar in 2006. She was admitted to practice before the United States District Court for the Southern District of Illinois in 2005, the United States District Court for the Eastern District of Arkansas in 2008, the United States District Court for the Western District of Arkansas in 2008, the United States District Court, Eastern District of Missouri in 2010, and the United States District Court for the Northern District of Illinois in 2010, the United States Court of Appeals for the Third Circuit in 2013, the United States Court of Appeals for the Ninth Circuit in 2013; the United States Court of Appeals for the D.C. Circuit in 2020. Ms. Yiatras is expected to be sworn in to practice before the Western District of Missouri in November of 2021.

Ms. Yiatras concentrates her practice in the areas of consumer protection class actions. She has taken/defended over 100 pharmaceutical product liability cases, both lay and expert. Litigated multiple consumer protection class action cases, which have resulted in multi-million dollar settlements to millions of class members, from inception of the cases through final approval, which included signing up new cases, identifying and investigating the claims, maintaining client contact, drafting complaints, negotiating deals with competing law firms, preparing JPML pleadings, drafting oppositions to motion to dismiss, drafting discovery requests and discovery responses, drafting subpoenas, reviewing documents, drafting mediation briefs, drafting formal settlement agreements and exhibits thereto, engaging in confirmatory discovery, drafting preliminary approval pleadings, drafting final approval pleadings, and obtaining final approval.

FRANCIS J. "CASEY" FLYNN, JR., born in St. Louis, Missouri, graduated *cum laude* from Saint Louis University High School in 1989, *cum laude* with a B.S. from Georgetown University, School of Foreign Service in 1993, and *cum laude* with a J.D. from St. Louis University School of Law in 2000, where he was in the top 6% of his class.

Mr. Flynn was admitted to bar in the state of Illinois in 2000, the state of Missouri in 2006, and the state of California in 2015. He was admitted to admitted to practice before United States District Court, Eastern District of Missouri in 2002, the United States Court of Appeals for the Eighth Circuit in 2004, the United States District Court for the Southern District of Illinois in 2010, the United States District Court for the Northern District of Illinois in 2010, the United States Court of Appeals for the Third Circuit in 2013, the United States Court of Appeals for the Ninth Circuit in 2013, the United States District Court for the Southern District of California and the United States District Court for the Northern District of California in 2016, and the United States District Court for the Central District of California in 2017.

Mr. Flynn practices in the areas of consumer class action litigation, complex commercial litigation, medical malpractice, and products liability litigation. Mr. Flynn has drafted and prepared appellate briefs (roughly 60); researched, drafted, and prepared memoranda of law: summary judgment, *Daubert*, venue, etc., totaling several hundred memoranda of law (between 300 and 400); worked on more than fifty class actions; motions for class certification, class-wide discovery, application for approval of class settlement as well as accompanying documents, and interlocutory appeals regarding class certification; appeared in court to argue motions; prepared pleadings, discovery documents, other law and motion documents; taken and defend depositions, including over 200 defense expert depositions; first and second chaired trials to jury verdict; and managed thousands of Fen-Phen, Vioxx, Bextra, Avandia, and Yaz cases.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	Case No.: 1:20-cv-3962-LJL (lead case) *Consolidated with* Case No.: 1:20-cv-4129-LJL Case No.: 1:20-cv-4077-LJL Case No.: 1:20-cv-4362-LJL Case No.: 1:20-cv-5070-LJL

DECLARATION OF DANIEL A. EDELMAN IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Daniel A. Edelman, hereby declare and state as follows:

1. I am an attorney admitted to practice *pro hac vice* before this Court. I am a member of Edelman, Combs, Latturner & Goodwin, LLC ("ECLG"), Chicago, Illinois.

2. I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

I. INVOLVEMENT IN ACTION

3. ECLG was retained by Plaintiff Mark Niedelson. We agreed to work solely on a contingent-fee basis and accepted the risk that we would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

4. We initially filed suit on behalf of Mr. Niedelson in the Northern District of

Illinois, case 1:20-cv-05054. We then agreed to work with the other counsel for Plaintiffs herein and appeared in the consolidated cases.

II. LODESTAR AND EXPENSES

5. We are requesting $7,926.50 in fees and $471.80 in expenses, or a total of $8,398.30. This includes case investigation; drafting of the complaints; legal research; review of the settlement agreement drafts; discussions with cocousnel regarding case strategy and decisions; and attending hearings.

6. The table below details the hours billed and the amount billed at current rates through November 30, 2021, for ECLG's attorneys and paralegals.

Person	Total Hours	Hourly Rate	Lodestar
Daniel A. Edelman (member)	4.30	$700.00	$3,010.00
Cathleen M. Combs (member)	0.50	$700.00	$350.00
Tara Goodwin (member)	0.50	$600.00	$300.00
David S. Kim (associate)	4.40	$230.00	$1,012.00
Brian G. Lesser (associate)	7.00	$230.00	$1,610.00
Carly Cengher (associate)	0.90	$230.00	$207.00
Paralegals	11.5	$125.00	$1,437.50
Totals	**29.1**		**$7,926.50**

7. This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by ECLG that were reviewed and submitted to Interim Lead Counsel when requested.

8. The attorneys and paralegals of ECLG billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including: *Anguiano v. LVNV Funding LLC et al.*, 2:12-cv-00523-TLS (N.D.Ind., April 14, 2020); *In re Southwest*

Airlines Voucher Litigation, 11cv8176, 2013 WL 5497275 (N.D.Ill., Oct. 3, 2013), at 19-20; *Manuel v. Caliber Home Loans, Inc.*, 14cv5233 (D. N.J. August 20, 2015); *Nadyenova v. Midland Funding, et al.*, 12cv632 (N.D.Ill. July 11, 2012).

9. ECLG incurred $471.80 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of ECLG and are a true and accurate summary of its expenses for this case. The expenses by category were:

Filing fee (N.D.Ill.)	$400.00
Service of process	$67.60
Copying	$4.20

III. BACKGROUND OF FIRM

10. ECLG was formed in 1991 and has extensive experience in consumer and class action litigation. A firm biography is attached as Exhibit A.

Dated: December 3, 2021

/s/ Daniel A. Edelman
Daniel A. Edelman

Exhibit A

FIRM RESUME – EDELMAN, COMBS, LATTURNER & GOODWIN, LLC

Edelman, Combs, Latturner & Goodwin, LLC, has practiced in the areas of consumer law and class actions since its founding in 1991. Since its inception, the firm has recovered more than $500 million for consumers.

The firm has 6 principals, Daniel A. Edelman, Cathleen M. Combs, Tara L. Goodwin, Julie Clark, Heather Kolbus, and Cassandra P. Miller, four associates, and support staff.

Member **Daniel A. Edelman** is a 1976 graduate of the University of Chicago Law School. From 1976 to 1981 he was an associate at the Chicago office of Kirkland & Ellis with heavy involvement in the defense of consumer class action litigation (such as the General Motors Engine Interchange cases). In 1981 he became an associate at Reuben & Proctor, a medium-sized firm formed by some former Kirkland & Ellis lawyers, and was made a partner there in 1982. From the end of 1985 he has been in private practice in downtown Chicago. Virtually all of his practice involves litigation on behalf of consumers, through both class and individual actions. He is the author of the chapters on the "Fair Debt Collection Practices Act," "Truth in Lending Act," and "Telephone Consumer Protection Act" in *Illinois Causes of Action* (Ill. Inst. For Cont. Legal Educ. 2020 and earlier editions), and numerous other publications. He has argued more than 50 appeals, including one before the United States Supreme Court.

Member **Cathleen M. Combs** is a 1976 graduate of Loyola University Law School. From 1984-1991, she supervised the Northwest office of the Legal Assistance Foundation of Chicago, now Legal Aid Chicago, where she was lead or co-counsel in class actions in the areas of unemployment compensation, prison law, social security law, and consumer law. She joined what is now Edelman, Combs, Latturner & Goodwin, LLC in early 1991 and became a named partner in 1993. Ms. Combs received an Award for Excellence in Pro Bono Service from the Judges of the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association on May 18, 2012. She has argued over 15 appeals and is a frequent speaker on consumer law topics at various legal organizations.

Member **Tara L. Goodwin** is a graduate of the University of Chicago (B.A., with general honors, 1988) and Illinois Institute of Technology, Chicago-Kent College of Law (J.D., with high honors,1991). Ms. Goodwin was Chair of the Chicago Bar Association's Consumer Law Committee from 2007 - 2010, and she has previously been on the faculty of the Practicing Law Institute's Consumer Financial Services Institute in Chicago, speaking on issues relating to the Fair Debt Collection Practices Act and mortgage litigation.

The cases handled by the firm involve such areas as debt collection practices, debtors' rights, the Telephone Consumer Protection Act, data breaches, credit reporting, mortgage practices, bankruptcy, automobile sales, financing and leasing practices, predatory lending, and insurance. Many of the cases have resulted in changes in industry practices and are leading decisions, such as *Heintz v. Jenkins,* 514 U.S. 291 (1995) (establishing attorney liability under the Fair Debt Collection Practices Act); *Livingston v. Fast Cash USA, Inc.,* 753 N.E.2d 572 (Ind. Sup. Ct. 2001) (restricting high-interest lending in Indiana); *Mussat v. IQVIA, Inc.*, 953 F.3d 441 (7th Cir. 2020) (rejecting defense arguments that each class member in a class action must satisfy minimum contacts test); *McMahon v. LVNV Funding, LLC*, 744 F.3d 1010 (7th Cir. 2014), later opinion, 807 F.3d 872 (7th Cir. 2015); *Suesz v. Med-1 Solutions, LLC*, 757 F.3d 636 (7th Cir. 2014) (en banc); *Soppet v. Enhanced Recovery Co.,* 679 F.3d 637 (7th Cir. 2012); and *Maguire v. Citicorp Retail Services, Inc.*, 147 F.3d 232 (2nd Cir. 1998).

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF KATRINA CARROLL IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, Katrina Carroll, hereby declare and state as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner at the firm of Lynch Carpenter LLP ("LCLLP"), one of the law firms representing Plaintiffs in this Action.[1]

2. I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

3. LCLLP has prosecuted this Action solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current and former attorneys from LCLLP, in addition to myself, who have worked on this Litigation are Kyle Shamberg, Jamisen Etzel and Nicholas Lange.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On June 8, 2020, Plaintiff Kathy Neal, represented by LCLLP and others, filed a Class Action Complaint against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 1:20-cv-04362-LJL, Compl., ECF 1.) Plaintiff Neal filed a Statement of Relatedness to the *Culbertson* matter on June 10, 2020. (*Id.*, ECF 6.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, LCLLP has actively participated in all aspects of the case, including, but not limited to: (1) case investigation; (2) interviewing of plaintiffs and collection of documents; (3) drafting the Neal complaint; (4) legal research; and (5) participating in case strategy conferences and decisions. Thus, I am fully familiar with the proceedings. LCLLP tasks required extensive legal research and attention to detail.

8. Additionally, LCLLP participated in regular calls with Class Counsel. During these calls, various aspects of this Action were discussed.

II. LCLLP'S LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by LCLLP for Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, LCLLP has worked diligently to perform tasks throughout the entire course of this litigation, including initial case investigation, drafting the *Neal* complaint, interviewing of plaintiffs and collection of documents, legal research, drafting of motions and briefs and participating in case strategy conferences and decisions.

10. Before filing its initial complaint, LCLLP conducted a thorough investigation of the claims, both legal and factual. Specifically, LCLLP thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 23, 2021, for LCLLP's attorneys and paralegals:

Attorney	**Total Hours**	**Hourly Rate**	**Amount**
Katrina Carroll	1.5	$950.00[2]	$1,425.00
Katrina Carroll	21.6	$800.00	$17,280.00
Kyle Shamberg	17.9	$650.00	$11,635.00
Jamisen Etzel	14.7	$700.00	$10,290.00
Nicholas Lange	.1	$525.00	$52.50
Paralegal	**Total Hours**	**Hourly Rate**	**Amount**
Daniel Hart	.6	$200.00	$120.00
Total:	**56.4**		**$40,802.50**

[2] My rate recently increased from $800 to $950 in recognition of my 20+ years of experience in class action litigation.

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by LCLLP.

12. The attorneys of LCLLP billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including:

a. *Bishop v. Behr Process Corp.*, Case No. 17-CV-004464 (N.D. IL). In 2018, Judge John Robert Blakey issued an attorneys' fees award finding that $800 for Katrina Carroll and $525 for Kyle Shamberg were reasonable hourly rates.

b. *Alea v. Wilson*, 17-CV-498 (N.D. IL), Judge Gary Feinerman approved counsels' fee request in 2019, where hourly rates of $800 for Katrina Carroll and $525 for Kyle Shamberg were submitted.

c. *Nicks v. Koch Foods, Inc.*, Case No. 16-CV-6446 (N.D. IL). In 2019, Judge Mary M. Rowland approved plaintiffs' counsels' fee application and found hourly rates ranging from $450 to $820 reasonable, including $800 for Katrina Carroll.

13. During the course of this Action, LCLLP incurred $605.00 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of LCLLP and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Telephone, Conference Calls and Facsimile	$0
Court Costs, Filing Fees and Transcripts	$400.00
Delivery/Courier	$0
Carfare, Travel and Meals	$0
Legal Research	$0
Service of Process	$205.00
TOTAL	**$605.00**

III. LCLLP HAS A LENGTHY HISTORY REPRESENTING CONSUMERS

14. LCLLP has a lengthy history of representing consumers, businesses and other clients in class action litigation. A true and correct copy of the LCLLP Firm Resume is attached as Exhibit A.

15. Throughout my career in the class action arena, I have built a practice representing plaintiffs in consumer and antitrust class actions and have recovered in excess of $1 billion for my clients and represented classes.

16. My vast litigation experience importantly includes high-level antitrust and data privacy litigation. I have been recognized as one of the top 25 class action lawyers in the State of Illinois by the National Trial Lawyers Association. I currently serve as court appointed Co-Lead counsel in *In re TikTok, Inc. Consumer Privacy Litig.*, 1:20-cv-04699 (N.D. Ill.), a major data privacy litigation against the popular social media app where preliminary approval of a $92 million class action settlement was recently granted. I am also currently serving as Co-Lead counsel in *Jones et. al. v. Lemonade Inc.*, 1:21-cv-04513 (N.D. Ill.), a class action related to data privacy violations.

17. With respect to data breach matters specifically, I was personally Court-appointed Co-Lead counsel in *Lewert v. PF Chang's China Bistro, Inc., 1:14-cv-04787* (N.D. Ill.). I served as Co-Lead Class Counsel in *Storm et al. v. Paytime, Inc.*, 1:14-cv-1138 (M.D. Pa.), which settled

while on appeal. I was also appointed to the Plaintiffs' Steering Committee in *In re Ashley Madison Customer Data Sec. Breach Litigation*, 4:15-md-2669 (E.D. Mo.), an MDL involving the highly publicized breach at Ashley Madison, which settled for $11.2 million. I am now serving on the Plaintiffs' Executive Committee in *In Re: Morgan Stanley Data Security Litigation*, 1:20-CV-05914 (S.D. N.Y.), a data privacy class action related to allegations that Morgan Stanley failed to safeguard its customers' highly sensitive personally identifiable information.

18. In addition, LCLLP has led or been appointed to leadership committee positions in many more data breach and privacy related actions, as well as dozens of other complex and class actions, as listed on the firm's attached resume.

IV. LCLLP HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS

19. LCLLP has the experience, resources and ability to adequately represent the Settlement Class Members in this class action lawsuit.

20. LCLLP's firm resume reflects that the attorneys in this case have successfully adjudicated some of the largest and most important class action lawsuits in the United States and have obtained over two billion dollars in settlements and verdicts in a wide range of cases.

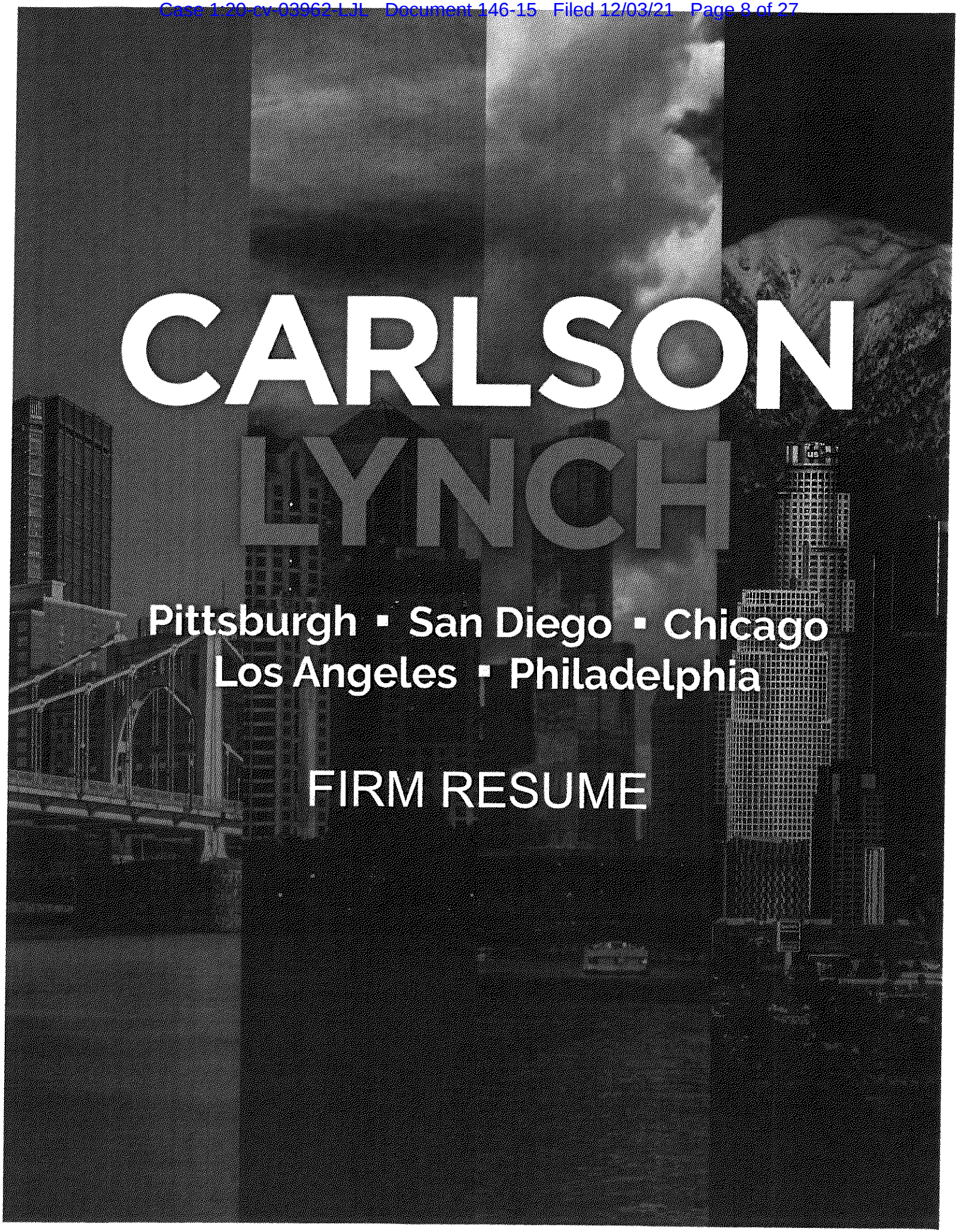
21. For example, LCLLP serves as Co-Lead Counsel in *In re Equifax, Inc. Customer Data Security Breach Litig.*, MDL 2800 (N.D. Ga.), a multidistrict litigation involving the largest and potentially most damaging data breach in history. LCLLP served as Co-Lead Counsel in *First Choice Federal Credit Union v. The Wendy's Company et al*, (W.D. Pa.) representing a group of consolidated cases brought by financial institutions against the Wendy's fast food chain in the aftermath of a late 2015 data breach that exposed customers' credit card information. LCLLP also served as co-lead counsel *In re: The Home Depot, Inc. Customer Data Security Breach Litigation*,

(N.D. Ga.). In September 2017, the Court granted final approval to a comprehensive settlement that provides over $27 million in relief to the class.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: November 23, 2021

Katrina Carroll



CARLSON LYNCH

Pittsburgh ▪ San Diego ▪ Chicago
Los Angeles ▪ Philadelphia

FIRM RESUME

FIRM SUMMARY

With offices in Pittsburgh, San Diego, Los Angeles, Philadelphia, and Chicago, Carlson Lynch is a national firm specializing in complex class and collective actions, and is involved in several high-profile multidistrict litigation proceedings. The attorneys of Carlson Lynch LLP ("Carlson Lynch") have litigated class-action matters involving financial fraud (including securities fraud, derivative actions, and lending fraud), data breach, privacy, consumer fraud, breach of contract, labor and employment, antitrust, and civil rights, in federal and state courts throughout the country. Litigation prosecuted by Carlson Lynch and its attorneys has resulted in substantial monetary recoveries and injunctive benefits on behalf of class members, described in more detail below. In addition, the Carlson Lynch team has generated seminal legal authority in both trial and appellate courts.

Carlson Lynch represents a wide variety of clients, including individual consumers and employees, small businesses, banks and credit unions, non-profits, issue advocacy groups, and governmental entities. Since 2014, Carlson Lynch has been a national leader in payment card data breach litigation, recovering over $100 million for financial institutions that suffered fraud losses and card reissuance costs in the wake of payment card data compromises at major retailers such as Target, Home Depot, Eddie Bauer, and Wendy's. Carlson Lynch has worked closely with the Independent Community Bankers of America, the Credit Union National Association, and state-level associations and leagues to prosecute these cases. The firm also advocates for and consults with these groups outside of the court system, such as by drafting proposed legislation and hosting educational seminars about data breach litigation and privacy laws.

Carlson Lynch was founded in 2004 by Bruce Carlson and Gary Lynch, who started the firm to merge and build upon their collective experiences litigating complex class action matters. In 2015, the firm expanded to the west coast with the addition of its San Diego office, managed by Todd Carpenter. Continuing its growth, in 2019, the firm added an office in Chicago, managed by Katrina Carroll, and its Los Angeles office, managed by Eddie (Jae) K. Kim. In 2020, the firm opened an office in Philadelphia, managed by Edward Ciolko.

In October 2020, *The Legal Intelligencer* named Carlson Lynch "Litigation Department of the Year" for general litigation in Pennsylvania. Carlson Lynch's attorneys are recipients of numerous additional individual awards, as described in more detail in the individual biographies on the firm's website.

REPRESENTATIVE CASES

PRIVACY & DATA BREACH LITIGATION

In re Equifax, Inc. Customer Data Security Breach Litig., MDL 2800 (N.D. Ga.). The Equifax data breach compromised the nation's entire credit reporting system. Carlson Lynch was retained by the Independent Community Bankers of America, along with several banks and credit unions, to institute litigation against Equifax on behalf of a class of all financial institutions in the nation for damages resulting from the data breach. The financial institutions, as providers and purchasers of information within the credit reporting system, were severely impacted by the Equifax data breach, in which 147.9 million U.S. consumers – roughly 46% of the U.S. population and nearly 60% of all adults in the U.S. – had their highly sensitive personally identifying information ("PII") and payment card data ("PCD") compromised between May and July 2017 (the "Data Breach"). More than 400 lawsuits filed by consumers and financial institutions were consolidated in the MDL. Gary Lynch was appointed co-lead counsel for financial institution plaintiffs in this multidistrict litigation. After significant dispositive motions practice and initial rounds of discovery, the parties negotiated a settlement of the financial institution class action that provides up to $7.75 million in cash benefits, plus additional injunctive relief. The court granted preliminary approval of the settlement in June 2020 and final approval in October 2020.

In re Target Corporation Customer Data Breach Litig., 0:14-md-02522, MDL 2522 (D. Minn.). This multidistrict litigation arose out of the massive data breach that occurred in late 2013. Judge Magnuson appointed Gary Lynch to the five-member Plaintiffs' Executive Committee that managed the litigation on behalf of all Plaintiffs' tracks (consumer, financial institution, and shareholder). A settlement agreement which provided $10 million to affected individual customers was granted final approval in November 2015. A separate settlement providing approximately $39 million in relief to plaintiff financial institutions was granted final approval in May 2016.

In re TikTok, Inc., Consumer Privacy Litig., No. 20-cv-4699 (MDL No. 2948) (N.D. Ill.). Judge Lee appointed Katrina Carroll as Co-Lead Counsel in this multidistrict litigation alleging that one of the world's biggest social media platforms captured, collected, and transmitted personal data from TikTok users and their devices without their consent and/or knowledge, including private information and biometric information within the meaning of the Illinois Biometric Information Privacy Act.

First Choice Federal Credit Union v. The Wendy's Company et al, 2:16-cv-0506, (W.D. Pa.). This class action arose out of a data breach alleged to have begun in October 2015,

when computer hackers installed malware on the point-of-sale systems of Wendy's franchised restaurants for the purpose of capturing and ex-filtrating customer payment card data (the "Data Breach"). It is estimated that approximately 18 million payment cards were exposed in the Data Breach. The United States District Court for the Western District of Pennsylvania consolidated several proposed class actions and appointed Gary Lynch as Co-Lead Counsel on behalf of the Plaintiff financial institutions. Plaintiffs filed an early motion seeking to apply *Ohio law to Plaintiffs' claims on a nationwide basis, proposing to the Court that the choice of* law issue, which is normally not decided until the class certification or summary judgment stage, could be decided early, under Rule 1's mandate that the rules be interpreted to "secure the just, speedy and inexpensive determination of every action and proceeding." Wendy's opposed the motion. On June 6, 2018, the Court adopted the Magistrate's Report and Recommendation to grant the motion and to apply Ohio law to the negligence and negligence *per se* claims. In November 2018, after three rounds of in-person mediation, Wendy's agreed to pay $50 million into a non-reversionary fund and to adopt and/or maintain certain reasonable safeguards to manage its data security risks. When the settlement received final approval in November 2019, the Honorable Maureen P. Kelly noted Class Counsel's "national reputation," "significant experience in these types of class actions and in data breach litigation," and "high level of skill and efficiency." Judge Kelly further explained:

> This case has gone on for three and a half years…This was a very involved case and everyone brought to the table an incredible wealth of knowledge, was always prepared, really was thorough and professional in everything that was provided to the Court. And as involved as this case was, if every case I had was as well organized and professionally presented as this case has been, my life would be much easier… The briefs I got in this case and any filings were just so well-done and detailed. And my law clerks and I have discussed that a number of times. I want to thank counsel for the way you have conducted yourselves and the way you've all presented this case.

In re Home Depot Customer Data Breach Litig., 1:14-md-02583, MDL 2583 (N.D. Ga.). In this multidistrict litigation, Carlson Lynch represented financial institutions in litigation related to the major data breach at the retailer which continued for almost six months in 2014 and resulted in the compromise of approximately 56 million payment card accounts. Gary Lynch was appointed by Judge Thrash to be one of three lead counsel managing the financial institution track of the litigation. Over forty financial institutions and seventeen credit union associations filed a consolidated complaint in May 2015. Judge Thrash denied the majority of Home Depot's motion to dismiss on May 18, 2016. In September 2017, the Court granted final approval to a comprehensive class settlement that provides over $27 million in relief to the financial institution class.

Veridian Credit Union v. Eddie Bauer LLC, 2:17-cv-356 (W.D. Wash.). Carlson Lynch served as co-lead counsel on behalf of a class of financial institutions in this class action against Eddie Bauer arising out of payment card data breach of the retailer's point-of-sale systems in 2016, which led to the exposure of up to 1.4 million payment cards. After overcoming a motion to dismiss and engaging in substantial discovery, the parties negotiated a class action settlement, which was approved in 2019. The agreement made up to $2.8 million available in direct cash relief to class members and provided for an addition $7 million worth of injunctive relief and other benefits.

In Re: Solara Medical Supplies Data Breach Litigation, 19-cv-02284 (S.D. Cal.). In January 2020, Judge Marilyn Huff appointed Kelly Iverson to the Plaintiffs' Steering Committee in this data breach action that affected both the personally identifiable information as well as protected health information of Plaintiffs' and the classes.

In re Wawa, Inc. Data Security Litig, 2:19-cv-6019 (E.D. Pa.). Gary Lynch was appointed co-lead counsel for a putative class of financial institution plaintiffs in consolidated actions brought against Wawa, Inc. arising out of a 2019 payment card data breach involving the convenience store's point-of-sale systems. A consolidated amended complaint was filed in July 2020, and as of February 2021, the defendant's motion to dismiss is fully briefed and awaiting disposition.

Greater Chautauqua Federal Credit Union et al v. Kmart Corporation et al, No. 15-cv-02228 (N.D. Ill.). In this consolidated data breach case in which financial institutions were seeking recovery for losses sustained as a result of a 2014 data breach at one of the nation's largest discount retail chains, Judge Lee appointed Gary Lynch to the Plaintiffs' Executive Committee, and Katrina Carroll to serve as Liaison Counsel. A settlement was reached and approved in June 2017.

In re Marriott International Customer Data Security Breach Litigation, MDL No. 2879 (D. MD.). Gary Lynch was appointed to the Plaintiffs' Steering Committee in this multidistrict litigation related to the data breach involving Starwood guest information dating back to at least 2014. The MDL includes more than 100 cases and is in pretrial litigation.

Dittman et al v. UPMC d/b/a The University of Pittsburgh Medical Center and UPMC McKeesport, (Allegheny Cty., Pa. No. GD-14-003285). Carlson Lynch is representing several employees of the health care group UPMC in a class action stemming from a breach of UPMC's personnel files. On November 21, 2018, the Supreme Court of Pennsylvania issued a landmark decision, reversing two lower courts, regarding the viability of common law negligence claims in the wake of a data breach. The Court found that UPMC engaged in affirmative conduct by collecting and storing employee data, and that general principles of negligence support holding actors to "a duty to others to exercise the care of a reasonable man

to protect [others] against an unreasonable risk of harm to them arising out of the act." As to the economic loss doctrine, the Court agreed with Plaintiffs' interpretation of Pennsylvania legal precedent on the issue, finding that the question of whether the economic loss doctrine applies necessarily turns on the "source of the duty alleged," and, accordingly, a plaintiff may seek pecuniary damages under a negligence theory if the duty sought to be enforced arises independently of any contractual relationship between the parties. After remand to the trial court, additional motions practice, and initiating discovery, the parties reached a settlement and are preparing to submit for preliminary approval.

In re Anthem, Inc. Customer Data Security Breach Litig., No. 5:15-md-02617, MDL 2617 (N.D. Cal.). Carlson Lynch represented customers of a national health insurer which experienced a data breach involving the personal information, including social security numbers, of up to an estimated 80 million customers. The case was consolidated and transferred to the Northern District of California in June 2015. Carlson Lynch participated in discovery related to Highmark, the Pennsylvania-based member of the Blue Cross Blue Shield Association and a co-defendant in the MDL. The parties reached a settlement valued at $117 million, which was approved by the Court.

In re Community Health Systems, Inc., Customer Data Security Breach Litigation, 2:15-cv-00222, MDL 2595 (N.D. Ala.). Gary Lynch served as a member of the plaintiffs' steering committee in consolidated multidistrict litigation stemming from a 2014 data breach involving one of the nation's largest hospital chains. The breach affected over 200 hospitals and the sensitive personal information of approximately 4.5 million patients was compromised. The action settled on a class basis for up to $3.1 million.

In re Arby's Restaurant Group, 1:17-mi-55555 (N.D. Ga.). In October 2016, computer hackers accessed Arby's inadequately protected point-of-sale system and installed malware that infected nearly 1,000 Arby's restaurant locations. Gary Lynch was appointed by Judge Totenberg as Chair of the Financial Institution Plaintiffs' Executive Committee. The case settled and received final approval in November 2020.

In re Ashley Madison Customer Data Security Breach Litig., MDL No. 2669 (E.D. Mo.). In this well-publicized data breach case Carlson Lynch represented individuals whose highly sensitive account information was leaked from a social media company. The case was consolidated and transferred to the Eastern District of Missouri in December 2015. Judge Ross appointed Gary Lynch and Katrina Carroll (while with her prior firm) to the Executive Committee. A class settlement for $11.2 million was given final approval in November 2017.

In re Vizio, Inc. Consumer Privacy Litig., MDL No. 2693 (C.D. Cal.). Carlson Lynch represented individuals who purchased Vizio "Smart TVs," which contained software that

collected information about the users in a manner that allegedly violates numerous consumer protection statutes. The case was consolidated and transferred to the Central District of California in April 2016, and Gary Lynch was appointed to the Plaintiffs' Steering Committee. In March 2017, District Judge Staton granted in part and denied in part a motion to dismiss, leaving the most significant claims intact and granting plaintiffs leave to re-plead the dismissed counts. After plaintiffs filed a second consolidated amended complaint, a second motion to dismiss was denied in July 2017. Vizio's attempt to certify an interlocutory appeal was denied in October 2017. The case was settled and received final approval in 2019, providing for a $17 million common fund.

Vance v. International Business Machines Corp., 1:20-cv-577 (N.D. Ill.). Carlson Lynch appointed Co-Lead Counsel in this class action claiming IBM violated Illinois's Biometric Information Privacy Act when it collected, obtained, disclosed, redisclosed, disseminated, and otherwise profited from Illinois residents' unique facial geometric measurements without providing notice or obtaining consent. In September 2020, Carlson Lynch defeated nearly all of the arguments raised in IBM's motion to dismiss, allowing the case to proceed forward toward class certification.

In Re: Clearview AI, Inc., Consumer Privacy Litig., 1:21-cv-00135 (N.D. Ill.). Carlson Lynch serves as counsel in this multidistrict litigation on behalf of a proposed class of Illinois citizens alleging that Clearview, in violation of the Illinois Biometric Information Privacy Act, scraped over 3 billion facial images from the internet, scanned the facial images' biometrics, and built a searchable database of the scanned images and biometrics, allowing users to instantly identify an unknown individual with only a photograph. Clearview then sold or otherwise gave access to these biometrics to hundreds of law enforcement agencies, private entities, and individuals.

Storm et al. v. Paytime, Inc., No. 1:14-cv-011380-JEJ (M.D. Pa.). Carlson Lynch represented individuals whose sensitive personal and financial information was stolen from the systems of a Pennsylvania payroll processing company. The case was appealed to the Third Circuit and settled on a class basis while the appeal was pending.

In re SuperValu, Inc. Customer Data Security Breach Litig., 0-14-md-02586, MDL 2586 (D. Minn.). In April 2015, Ed Kilpela of Carlson Lynch was appointed as interim co-lead counsel in this consolidated case. The litigation stems from a 2014 data breach that compromised the sensitive personal and financial information of customers of approximately 1,000 grocery stores operating under a variety of brand names in over a dozen states.

Sullivan v. Wenner Media LLC, No. 1:16-cv-960 (M.D. Mich.). Carlson Lynch was co-lead counsel for plaintiffs who brought claims against the publisher of *Rolling Stone* magazine. Plaintiffs allege that *Rolling Stone* sold subscriber information to marketing partners without the

subscriber's consent, in violation of Michigan state privacy laws. The parties reached a proposed settlement including a $1.1 million settlement fund and alternative forms of relief. The settlement was approved in May 2018.

Lewert v. PF Chang's China Bistro, Inc., No. 1:14-cv-04787 (N.D. Ill.): Katrina Carroll served as Court-appointed Co-Lead counsel representing P.F. Chang's customers who had their personal financial information compromised in a 2014 security breach. This matter was one of the first data breach cases on record. Ms. Carroll oversaw all of the appellate briefing in ultimately obtaining a landmark ruling in the Seventh Circuit on Article III standing, hailed by Law360 as one of the "top privacy cases" of 2016.

Salam v. Lifewatch, Inc., No. 1:13-cv-09305 (N.D. Ill.): In this hard-fought litigation, Carlson Lynch partner Katrina Carroll is currently involved as court-appointed Co-Lead Counsel on behalf of a certified class in this privacy matter brought under the Telephone Consumer Protection Act ("TCPA"). Ms. Carroll has been directly involved in all aspects of litigation, including discovery and motion practice which culminated in a total victory for plaintiffs in contested class certification.

Bakov v. Consolidated World Travel Inc., No. 1:15-cv-02980 (N.D. Ill.): Katrina Carroll serves as court-appointed Co-Lead Counsel in this TCPA litigation for a certified class of consumers.

FINANCIAL FRAUD, LENDING PRACTICES, AND SECURITIES

In re: FedLoan Student Loan Servicing Litigation – **MDL No. 2833**, (E.D. Pa.). Carlson Lynch serves as court-appointed co-lead counsel on behalf of student loan borrowers and federal grant recipients in this multidistrict litigation. The claims relate to widespread and systemic failures on the part of a student loan servicer and the U.S. Department of Education to adequately service the programs and advise its participant. A consolidated complaint was filed in November 2019. As of January 2020, a motion to dismiss is fully briefing and currently awaiting resolution by the Court.

Rescap Bankruptcy, (S.D.N.Y. Bkr.). On November 27, 2013, the Bankruptcy Court in the Southern District of New York granted final approval of a class settlement on behalf of in excess of 45,000 residential mortgage borrowers. Carlson Lynch is co-lead counsel for the class. The settlement is for an allowed claim amount of $300 million dollars. There is a guaranteed payout of approximately $36 million dollars. The debtor assigned its insurance rights to the class and insurance will potentially cover the difference between the $36 million dollar guaranteed payout and the allowed claim amount of $300 million. Upon signing the

Order granting final confirmation of the bankruptcy plan, the judge stated that this was the most factually and legally complex matter that he had presided over since taking the bench.

CitiMortgage SCRA Litigation, (S.D.N.Y.). Carlson Lynch was tri-lead counsel in this class action against CitiMortgage on behalf of Sergeant Jorge Rodriguez in the Southern District of New York. This case alleges that CitiMortgage improperly foreclosed upon Mr. Rodriguez's home (and the homes of similarly situated individuals) while he was serving his country in Iraq, in violation of the Servicemembers Civil Relief Act. The case settled and received final approval in October 2015, securing a total recovery of $38.2 million for members of our military service.

Pitts v. NovaStar Home Loans, Inc. et al. , (S.D. Ga.). Carlson Lynch was co-lead counsel for plaintiffs in this national RESPA class action. The Southern District of Georgia was the MDL court for this litigation. After the Court denied defendant's motion to dismiss, after the Court denied defendants' motion for summary judgment and granted plaintiffs' motion for class certification in a related Maryland state court action – where Carlson Lynch was also co-lead counsel -- and after extensive discovery including the video depositions of several of defendants' top executives, the parties participated in multiple mediation sessions and ultimately arrived at a national cash settlement on behalf of class members for $17.3 million.

In re Community Bank of Northern Virginia and Guaranty National Bank of Tallahassee Secondary Mortgage Loan Litigation, (W.D. Pa./3d Cir.). Carlson Lynch was co-lead class counsel in this national litigation on behalf of second mortgage borrowers under the Real Estate Settlement Procedures Act. The class was certified by the district court and affirmed by the Third Circuit, 795 F.3d 380 (2015). A class settlement was finalized in early 2017 and obtained a total recovery of $24 million.

Kahrer v. Ameriquest Mortgage Co., (W.D. Pa./MDL N.D. Ill.). Carlson Lynch was counsel for plaintiff in connection with this consolidated group of class actions alleging the existence of a kick-back scheme in violation of RESPA, along with numerous other unfair lending practices. The specific case being handled by Carlson Lynch created new law under RESPA. Specifically, Carlson Lynch filed this action as a test case to challenge what they viewed as a negative trend in the law regarding how federal trial courts were determining whether a consumer has standing to sue under RESPA, as well as the manner in which damages are calculated under RESPA. Every prior federal trial court to consider these issues had sided with defendants. In opposing the Ameriquest motion to dismiss that was filed in this case, Carlson Lynch argued that these other federal trial courts had fundamentally misinterpreted the legislative history of RESPA in their decisions to dismiss the prior cases. In a seminal decision, the United States District Court for the Western District of Pennsylvania departed from the holdings issued by these other federal courts and agreed with the arguments of Carlson Lynch,

denying the motion to dismiss. *See Kahrer v. Ameriquest Mortgage Co.*, 418 F.Supp.2d 748 (W.D. Pa. 2006) (Hay, J.). Multiple federal courts of appeals have adopted the *Kahrer* reasoning, including at least the Sixth and Third Circuits. This case was ultimately settled as part of MDL proceedings against Ameriquest in the Northern District of Illinois, and final approval of the settlement was granted.

Bannon v. First One Lending, Inc., (C.P., Allegheny County, Pennsylvania). Carlson Lynch was co-lead counsel in this class action filed on behalf of Pennsylvania second mortgage loan borrowers alleging that they were charged excessive settlement fees in violation of the Pennsylvania Secondary Mortgage Loan Act. After the court denied defendant's motion to dismiss, the case ultimately settled and plaintiffs and the class were refunded 100% of the alleged overcharges.

In re Tenet Healthcare Corp. Securities Litigation, 02-cv-8462 (C.D. Cal.). Prior to joining the firm, Katrina Carroll represented the State of New Jersey's Division of Investment in this securities class action against Tenet Healthcare and its outside auditor, KPMG, related to false and misleading public statements those entities made between 2000 and 2002 about Tenet's financial health. Katrina played a large role in drafting motions *in limine* briefing issues regarding the admissibility of plaintiff's expert witness report. Tenet settled in 2006 for $215 million, and KPMG settled in 2008 for $65 million.

In re Motorola Securities Litig., 03-cv-287 (N.D. Ill.). Katrina Carroll represented the State of New Jersey's Division of Investment in this securities class action against Motorola, stemming from misrepresentations made by the company regarding a $2 billion loan it made to a Turkish entity that was not repaid. The case settled a few days before trial for $190 million.

GOVERNMENT COVID-19 CLOSURE ORDER LITIGATION

In re Generali Covid-19 Travel Insurance Litig., No. 20-md-2968, MDL 2968 (S.D.N.Y). In January 2021, Jamisen Etzel was appointed co-lead counsel in this MDL comprising actions brought on behalf of consumers whose travel plans were cancelled as a result of the Covid-19 pandemic, and whose travel insurance provider either denied coverage or refused to return premiums paid for post-departure risks the insurer was not required to cover. As of February 2021, the MDL is in the initial pleading stage.

Business Income Insurance Coverage Litigation, various. Carlson Lynch represents dozens of business-policyholders who face devastating losses as a result of being forced to close or curtail their business operations as a result of government shut down orders in the wake of the Covid-19 pandemic and who have been denied insurance coverage under their "all risks" property insurance coverage by various insurers. These cases are at various stages, including a case in the Third Circuit where Carlson Lynch and various other plaintiffs' counsel are seeking certification of the coverage issues to the Supreme Court of Pennsylvania, and a multi-district litigation in Western District of Pennsylvania where all claims against Erie Insurance have been centralized.

University COVID Tuition/Fee Refund Litigation, various jurisdictions. The COVID pandemic has affected all of our lives, but few more than students. Carlson Lynch has spent significant resources in response to repeated inquiries by concerned and confused college kids and their parents who wondered why they were still made to pay full (and sometimes increasing) tuition and mandatory fees to colleges and universities who were moving to virtual learning and closing campuses. The firm responded by surveying the variety of COVID responses of public and private universities around the country (some attended by our own sons and daughters), consulting with industry experts, evaluating some of the earliest cases, and digging deep into federal and state law across the country. We decided the basic question was one of: what was bargained for, what was provided, and who was in the weakest and most vulnerable position by the total change in circumstances. In a situation with no clear heroes or villains, we came down on the side of students left with few options and parents faced with a depressed economy and new health responsibilities.

Carlson Lynch now represents such students in cases across the country, leading breach of contract/ unjust enrichment actions against private universities such as Cornell, Northwestern, Temple, and the University of Pennsylvania. Further, we have become the premier firm in the nation in bringing similar cases against public university schools and systems. The law here is more complex, often involving novel applications of Constitutional due process and "takings" claims, as well as specialized courts, U.S. Department of Education regulations, and state agency proceedings. The firm leads or helps lead COVID refund cases against the state university systems of Washington, Colorado, Arizona, Illinois, and Georgia, to name a few. And our motion to dismiss victories in cases against Ohio University and Kent State University were among the first in the country to allow these actions to move into discovery and have our basic "breach of contract" theory blessed by Courts. With more than 40 of these cases being actively litigated, these claims and the students and parents so affected have quickly become some of our most important and largest group of clients.

CONSUMER PROTECTION/PRODUCTS LIABILITY

In re Robinhood Outage Litig., No. 20-cv-1626 (N.D. Cal.). In July 2020, Jamisen Etzel was appointed to the executive committee overseeing consolidated actions brought by consumers who sustained losses when the trading application Robinhood suffered severe service outages in early 2020 during a period of intense market volatility. A consolidated amended complaint was filed in August 2020, and rulings on Robinhood's initial dispositive motion is expected in early 2021.

Morrow v. Ann Inc., 16-cv-3340 (S.D.N.Y.). Carlson Lynch was co-class counsel in a case alleging deceptive pricing practices by a major national retail chain. After plaintiffs overcame a motions to dismiss, the case settled for $6.1 million worth of class benefits. The settlement was approved in April 2018.

Luca v. Wyndham Hotel Group, LLC, 2:16-cv-746 (W.D. Pa.). Carlson Lynch was co-lead counsel in a class action against the Wyndham hotel companies for violations of New Jersey consumer protection statutes. Plaintiffs alleged that Wyndham's websites deceptively masked the resort fees charged at certain hotels and forced patrons to agree to illegal terms and conditions. In 2017, plaintiffs defeated a motion to dismiss filed by two of the primary operating subsidiaries. A class settlement worth up to $7.6 million was reached in 2019 and approved later that year.

Van v. LLR, Inc., 3:18-cv-0197 (D. Ak.); 962 F.3d 1160 (9th Cir. 2020). Carlson Lynch attorneys Jamisen Etzel and Kelly Iverson won a significant consumer rights ruling from the United States Court of Appeals for the Ninth Circuit. The action alleged the defendant's overcharged customers over the course of more than a year; however, after notice of the suit but before it was filed, the defendant refunded the entire class – but only the amount overcharged without interest or other statutory damages. The district judge dismissed the action based on lack of subject matter jurisdiction after finding that the consumers' lost time value of money was "too little" to be a constitutionally recognizable harm. The appeals court reversed and, in a published decision, held that the temporary loss of money is a sufficient "injury-in-fact" under Article III of the Constitution to confer standing on a consumer to file a federal lawsuit.

Robert Brown, et al. v. Electrolux Home Products, Inc., d/b/a Frigidaire, No. 15-11455 (11th Cir.). In July 2015, Carlson Lynch attorneys co-authored a brief on behalf of Public Justice, P.C.; the National Association of Consumer Advocates; U.S. PIRG (United States Public Interest Research Group); Consumer Action; and the Consumer Federation of California, appearing as *amici curiae* to the Eleventh Circuit and arguing in support of

affirmance of a district court's certification of a class of purchasers of defective washing machines.

Kobylanski v. Motorola Mobility, Inc., et al., No. 2:13-cv-1181 (W.D. Pa.). Carlson Lynch represented purchasers of MOTOACTV wearable fitness devices who alleged that the devices, although marketed as "sweat-proof" and "rain-resistant," were in fact susceptible to damage from even slight amounts of moisture. A settlement was reached which provided for full refunds for class members who had previously submitted a claim for water damage to Motorola but were denied a repair or replacement, and additional forms of relief for class members who had not previously complained of water damage. The settlement was approved in October 2014.

Quinn et al. v. Walgreen Co., Wal-Mart Stores, Inc., Supervalu, Inc., and Perrigo Company of South Carolina, Inc., No. 7:12-cv-8187 (S.D.N.Y.). Carlson Lynch served as co-lead counsel on behalf of purchasers of glucosamine/chondroitin products manufactured by Perrigo and sold by various retailers. A settlement was reached in 2014 which provided for a total settlement fund of $2.8 million and provided for full or partial refunds to class members who submitted valid claims. Final approval was granted in March 2015.

***In re Nutramax Cosamin Marketing and Sales Practices Litigation* – MDL No. 2498,** (D. Md.). Carlson Lynch represented several plaintiffs in nationwide litigation regarding Nutramax's false and misleading marketing of glucosamine/chondroitin supplements, which multiple studies have determined to be without efficacy for the conditions they purport to treat. After the cases were consolidated for pre-trial proceedings, Carlson Lynch partner Ed Kilpela was appointed to the Executive Committee overseeing the litigation.

In re Wireless Phone Equipment Replacement Insurance Litigation, (C.P. Allegheny County, Pennsylvania). Carlson Lynch was lead counsel in this national litigation alleging consumer fraud in connection with wireless phone equipment replacement insurance. In November 2004, the Court approved a class settlement and entered Findings of Fact and Conclusions of Law which commented on the adequacy of Carlson Lynch as lead counsel as follows:

> "Class counsel have abundant experience as lead counsel in consumer class action litigation. Indeed, class counsel have frequently appeared before this Court. Other courts have routinely recognized class counsels' adequacy . . . . This Court readily agrees with these other courts, and finds that Bruce Carlson and Gary Lynch are more than adequate counsel, and indeed are capable and diligent class action attorneys."

Mednick v. Precor, Inc., No. 14-cv-03624 (N.D. Ill.): Katrina Carroll served as court-appointed Co-Lead Counsel in this products liability matter concerning the heart rate monitoring feature on Precor fitness machines. Due to Ms. Carroll's efforts, the plaintiffs defeated a contested class certification motion and obtained class certification for a multi-state consumer class. Ms. Carroll was instrumental in negotiating a class settlement providing meaningful relief for class members shortly thereafter, for which the Court recently issued final approval.

Bishop et al. v. Behr Process Corp. et al., No. 1:17-cv-4464 (N.D. Ill.): Carlson Lynch partner Katrina Carroll currently serves as court-appointed Co-Lead Counsel in this national products liability class action matter relating to defective deck paint. Together with her co-counsel, Ms. Carroll obtained a substantial settlement for the class, which has been finally approved by the Court and is currently being administered.

In re Rust-Oleum Restore Marketing, Sales Practices and Prods. Liab. Litig. No. 1:15-cv-1364 (N.D. Ill.): In this sprawling products liability MDL relating to defective deck resurfacing products, Katrina Carroll was instrumental in negotiating a $9.3 million settlement providing meaningful relief to consumers, which received final approval in March of 2017 by the Honorable Amy J. St. Eve of the United States District Court for the Northern District of Illinois, now a sitting Judge of the Court of Appeals for the Seventh Circuit. Over the course of the litigation, among other things, the court resolved an extremely challenging motion to dismiss substantially in plaintiffs' favor, issuing a sixty-page opinion, oft-cited in warranty and consumer fraud class actions across the country. Ms. Carroll oversaw the plaintiffs' briefing on that motion.

WAGE AND HOUR & EMPLOYMENT DISCRIMINATION LITIGATION

Verma v. 3001 Castor Inc., (E.D. Pa.). As co-class counsel, Carlson Lynch won a $4.59 million jury verdict in 2018 for misclassified workers at a Philadelphia nightclub. The claims were brought under the FLSA and Pennsylvania Minimum Wage Act. The trial verdict was fully affirmed by the Third Circuit in August 2019.

Gardner v. Country Club, Inc. (D.S.C.). Carlson Lynch served as class counsel for a class of nightclub workers who were misclassified as independent contractors, subjected to deductions from their tip income, and denied wages. Carlson Lynch won two significant dispositive motions, obtaining a ruling that the workers were legally employees, and a legal opinion determining as a matter of first impression under South Carolina wage laws that tip income was protected from employer deductions. The case then settled for a total of $1.5 million, and final approval was granted in 2019.

Herron v. Investment Professionals Inc. (W.D. Pa.). Carlson Lynch secured a $450,000 settlement for 12 financial advisors who were misclassified by a financial services company and consequently did not receive overtime compensation. The settlement was approved in February 2018.

Herzfeld v. 1416 Chancellor Inc. (E.D. Pa.). Carlson Lynch is class counsel for a litigation-certified Rule 23 class and FLSA collective of more than 100 nightclub entertainers alleging misclassification and violations of the FLSA and Pennsylvania wage and hour laws. A settlement for a total amount of $415,000 was reached and granted preliminary approval in January 2018. Final approval was granted following a fairness hearing in June 2018.

Correll v. One Three Five, Inc. (W.D. Pa.). Carlson Lynch was class counsel for a class of several hundred nightclub performers who alleged that they were misclassified by the club's owner as independent contractors, resulting in violations of the Fair Labor Standards Act and Pennsylvania state wage laws. A class settlement was granted final approval in 2016 and provided $815,000 in total relief for the class.

Genesis Healthcare v. Symczyk (U.S. Supreme Court). Gary Lynch served as Counsel of Record before the United States Supreme Court in an appeal addressing the application of mootness principles in a putative collective action filed under Section 216(b) of the Fair Labor Standards Act. When defendant served Carlson Lynch' client with a Rule 68 offer of judgment for "make whole" relief, the district court dismissed the case as moot. Gary Lynch successfully argued the appeal in the United States Court of Appeals for the Third Circuit, which held that the FLSA collective action did not become moot upon the plaintiff's receipt of a Rule 68 offer of judgment for full satisfaction of her individual claim. The Supreme Court reversed in a 5-4 opinion, with Justice Kagan writing a strong dissent on behalf of Carlson Lynch's client—a position which was subsequently adopted by the majority of the Court in *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153 (2016). Carlson Lynch's position before the Supreme Court was supported by the United States as Amicus Curiae.

Gualano v. Abercrombie & Fitch Stores, Inc., (W.D. Pa). Carlson Lynch was co-lead counsel in this wage and hour litigation alleging that defendant retail clothier was violating federal and state minimum wage laws. Following the fairness hearing in early 2005, where a multi-state settlement was presented to the Court for approval, the Court entered Findings of Fact and Conclusions of Law addressing lead counsels' adequacy as follows:

> "The Court finds the plaintiffs' counsel, Bruce Carlson and Gary Lynch, are experienced class counsel and that they have met all of the requirements of Rule 23(g)(1)(B) and (C). Consistent with the underlying purpose of Fed. R. Civ. P. 23,

> plaintiffs' counsel have achieved, with utmost efficiency, a quality result for the entire class and are commended for the diligence and effective advocacy they have displayed on behalf of their clients."

Pasci v. Express, LLC, (W.D. Pa.). This case was similar to the *Abercrombie* case discussed above and proceeded to a fairness hearing in November 2004, where a multi-state settlement was presented to the Court for approval. Regarding the adequacy of Carlson Lynch, the Court issued Findings and Conclusions stating:

> "With respect to the adequacy of counsel, the Court finds that class counsel have capably and vigorously represented the class. Bruce Carlson and Gary Lynch have substantial experience in class-based litigation involving consumer fraud and employment claims . . . . Class counsel achieved an efficient and excellent result on behalf of the class."

Ellis v. Edward Jones, (N.D. Ohio). Carlson Lynch chaired the Plaintiffs' Leadership Committee in this wage and hour class action alleging that defendant stock brokerage company violated federal and state overtime laws. After Defendant filed an answer and after significant discovery wherein Defendant produced in excess of 500,000 pages of documents and hundreds of videotapes, the parties commenced mediation to pursue a potential global settlement. The first mediation, which occurred in Atlanta in March 2007, was unsuccessful. Ultimately, the parties participated in a second mediation in San Francisco, at which the parties arrived at the basic terms of a proposed settlement pursuant to which class members from multiple states received in excess of $19 million. After a fairness hearing on January 5, 2009, the Court granted final approval of the settlement.

Byers v. PNC Financial Services Group, Inc., (W.D. Pa.). Carlson Lynch was lead plaintiff's counsel in this wage and hour class action alleging that defendant stock brokerage company violated federal and state overtime laws. A multi-state settlement was approved following a fairness hearing in June 2008.

Steen v. A.G. Edwards, Inc., (S.D. Cal.). Carlson Lynch was co-class counsel for plaintiff in this wage and hour litigation alleging that defendant stock brokerage company violated federal and state overtime laws. A mediated national class-based settlement has been reached and preliminary approval has been granted. A fairness hearing was held on August 31, 2009 in Los Angeles, after which the Court entered an Order granting final approval of the settlement.

Meola v. AXA Financial, Inc., (N.D. Cal.). Carlson Lynch was co-class counsel for plaintiff in this wage and hour litigation alleging that defendant financial services company violated

federal and state overtime laws. A mediated national class-based settlement was negotiated in this matter, and final approval was granted following a fairness hearing in the fall of 2009.

In re St. Francis Health System, (C.P., Allegheny County Pennsylvania). Carlson Lynch was counsel for the class in connection with this wage and hour litigation on behalf of certain former employees of the St. Francis Health System in Pittsburgh. Plaintiff asserted that the class was deprived of severance benefits when St. Francis Health System was acquired by another hospital group in Western Pennsylvania. Prior to the disposition of Plaintiff's class certification motion, the parties engaged in extensive mediation before reaching a class-based settlement.

Haag v. Janney Montgomery Scott, (E.D. Pa.). Carlson Lynch was a member of the three firm Executive Committee in this wage and hour class action alleging that defendant stock brokerage company violated federal and state overtime laws. After protracted litigation and two separate mediations, the parties reached a multi-state settlement. A fairness hearing was conducted in Philadelphia on June 30, 2009, where Gary Lynch appeared on behalf of the class. Following the hearing, the Court granted final approval of the settlement.

Steinberg v. Morgan Stanley & Co., (S.D. Cal.). Carlson Lynch was co-class counsel for plaintiff in this wage and hour litigation alleging that defendant stock brokerage company violated federal and state overtime laws. A mediated national class-based settlement was reached, and final approval of the settlement was granted.

Ramsey v. Ryan Beck, Inc. (S.D.N.Y.). Carlson Lynch was co-class counsel in this wage and hour class action alleging that defendant stock brokerage company violated federal and state overtime laws. After protracted litigation, the parties reached a multi-state settlement, and final approval was granted in June 2010.

Kniess v. Heritage Valley Health Systems, Inc., (C.P., Allegheny County, Pennsylvania). Carlson Lynch was lead counsel in this wage and hour class action alleging that the defendant hospital system failed to pay overtime compensation to its nurse practitioners and physician's assistants. The parties reached a mediated class settlement whereby class members received the majority of the back pay alleged by Carlson Lynch.

Leadbitter v. The Washington Hospital, Inc., (W.D. Pa.). Carlson Lynch was lead counsel in this wage and hour class action alleging the defendant hospital system failed to pay overtime compensation to its nurse practitioners and physician's assistants. The parties reached a mediated class settlement whereby class members will be eligible to receive the majority of the back pay alleged by Carlson Lynch, and the settlement has received final approval from the Court.

Career Education Corporation Misclassification Litigation, (W.D. Pa.). In early 2011, Carlson Lynch filed a putative collective action on behalf of admissions representatives employed by culinary schools operated by Career Education Corporation. Carlson Lynch alleged that these individuals were misclassified and improperly denied overtime benefits. A class settlement was negotiated and final approval of the settlement was granted in December 2011.

Atrium Centers, LLC Automatic Meal Break Deduction Litigation, (N.D. Ohio). Carlson Lynch was lead counsel in this collective action on behalf of hourly health care workers (primarily nurses) alleging improper pay practices in connection with automatic meal break deductions. After the court granted Plaintiffs' motion for conditional certification of a collective action under the FLSA, extensive discovery ensued. Following the close of discovery in the fall of 2012, the Parties engaged in mediation with a former United States Magistrate Judge and reached an agreement to settle the case on a collective basis. The settlement was approved by the court in December 2012, and the settlement proceeds have been distributed.

Northwestern Memorial Healthcare Automatic Meal Break Deduction Litigation, (N.D. Ill.), Carlson Lynch was lead counsel in this collective/class action on behalf of hourly health care workers (primarily nurses) alleging improper pay practices in connection with automatic meal break deductions. After extensive discovery and the denial of Defendant's motion for summary judgment, the Parties reached a mediated class settlement in the fall of 2012. In December 2013, the Court granted final approval of the settlement, and the settlement proceeds have been distributed to the class.

Crozer-Keystone Health System Overtime Litigation, (E.D. Pa.), Carlson Lynch filed a putative collective action against Crozer-Keystone Health System in the Eastern District of Pennsylvania. The Complaint challenged pay practices related to nurse practitioners and/or physicians' assistants. The plaintiffs in these cases allege that they were illegally being denied overtime compensation by their employers. After discovery, the Parties filed cross motions for summary judgment. In a widely reported opinion issued on January 4, 2011, the Court granted Plaintiffs' motion for summary judgment, holding that Defendant had misclassified individuals in Plaintiff's job positions. Defendant's motion for reconsideration of the federal court's summary judgment decision was denied in a twenty-one page opinion and order issued on August 15, 2011. Following mediation, the settlement of this case was approved in August 2012.

Ehrheart v. Verizon Wireless, No. 2:07-cv-01165 (W.D. Pa.), 609 F.3d 590 (3d Cir. 2010). Carlson Lynch represented the Plaintiff/Appellant in this matter alleging violation of the Fair and Accurate Credit Transaction Act. A settlement was negotiated and preliminarily approved by the district court pursuant to Rule 23. Subsequent to the settlement, Congress passed the

Credit and Debit Card Receipt Clarification Act, which had the effect of eliminating Plaintiff's cause of action. On motion of Verizon, the district court vacated its preliminary approval of the settlement and granted Verizon judgment on the pleadings. On appeal, the United States Court of Appeals for the Third Circuit reversed the district court, and in doing so clarified the role of the district court in evaluating class settlements under Rule 23, holding:

> It is essential that the parties to class action settlements have complete assurance that a settlement agreement is binding once it is reached. The fact that a settlement agreement is governed by Rule 23 does not diminish its enforceability as a contract. Where, as here, the parties have executed an agreement, a party cannot avoid its independent contractual obligations simply because a change in the law confers upon it a benefit that could have altered the settlement calculus.

White v. United Steel Workers of America, (W.D. Pa.), Carlson Lynch was co-lead counsel in this age-discrimination class action against the U.S.W.A. After overcoming a motion to dismiss on a legal issue regarding a substantial split of authority, the defendant requested mediation to explore the possibility of settlement. After extensive mediation over a one-month period in June 2004, the case ultimately settled for an amount that defense counsel characterized as the highest ever paid by the U.S.W.A. in connection with civil litigation.

ANTITRUST

***In Re Railway Industry Employee No-Poach Antitrust Litigation,* MDL 2850,** (W.D. Pa.), Carlson Lynch represented a class of employees who alleged the defendants and their co-conspirators entered into unlawful agreements to reduce and eliminate competition among them for employees and to suppress the compensation of those employees. Chief Judge Joy Flowers Conti appointed Carlson Lynch partner Kelly K. Iverson as Liaison Counsel on behalf of the class. The two defendants agreed to class settlements worth a combined $48.95 million, and final approval was granted in August 2020.

***In Re Blue Cross Blue Shield Antitrust Litigation,* MDL No. 2406**, (N.D. Ala.). Carlson Lynch represents healthcare subscriber plaintiffs in four states in this nationwide class action challenging the anti-competitive practices of Blue Cross/Blue Shield's nationwide network of local insurers who do not compete with each other based on geographic boundaries. In addition to Carlson Lynch's work on the individual cases, Carlson Lynch attorneys have been significantly involved in the discovery process.

ENVIRONMENTAL LAW

Steward et al. v. Honeywell Int'l, Inc., No. 3:18-cv-01124 (S.D. Ill.) Carlson Lynch is currently involved in this property damage class action involving nuclear and non-nuclear contamination of large swaths of the City of Metropolis and the County of Massac. Carlson Lynch and co-lead counsel are prosecuting claims for injunctive relief, property damage, and medical monitoring in this extremely complicated environmental contamination case.

CIVIL RIGHTS

ADA (Americans with Disabilities Act) Accessibility Litigation. Carlson Lynch is currently counsel for plaintiffs in a substantial number of putative class actions filed on behalf of individuals with disabilities to enforce the ADA's accessibility requirements. Over the last six years, Carlson Lynch has represented the visually disabled in seeking improved access to ATMs, Point of Sale devices, automated retail kiosks, and websites.

In January 2016, Magistrate Judge Robert C. Mitchell of the United States District Court for the Western District of Pennsylvania recommended certification of a national class of mobility-disabled individuals who were denied full and equal access to Cracker Barrel stores due to the company's inadequate centralized ADA maintenance policies. Judge Mitchell recommended that Carlson Lynch be appointed as counsel for the Class. Cracker Barrel has over 630 stores across the country. The report and recommendation was adopted by District Judge Mark Hornak in July 2016. The case subsequently settled, securing injunctive relief for the nationwide class.

More recently, Carlson Lynch was representing an individual with a mobility disability in *Egan v. Live Nation Worldwide, Inc.*, 2:17-cv-445 (W.D. Pa.). The claims involve wheelchair inaccessibility and ticket unavailability at Pittsburgh-area concert events promoted by Live Nation and ticketed by Ticketmaster. In March 2018, Judge Mark Hornak denied Live Nation's attempt to force arbitration of the potential class action. On appeal, the Third Circuit remanded the arbitration question for trial on disputed factual issues. The case settled before trial.

As a result of its work advocating for individuals with disabilities, Carlson Lynch received the ACHIEVA Award of Excellence for Legal Work in 2018.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PAUL CULBERTSON, KATHY NEAL, KELLY ALLISON-PICKERING, JESSICA HAIMAN, ALEXANDER CABOT, BRIANA JULIUS, NICHELLE NEWLAND, BERNADETTE NOLEN and ALEXANDRIA POLICHENA, *individually and on behalf of all others similarly situated*, Plaintiffs, v. DELOITTE CONSULTING LLP, Defendant.	**Case No.: 1:20-cv-3962-LJL (lead case)** ***Consolidated with*** **Case No.: 1:20-cv-4129-LJL** **Case No.: 1:20-cv-4077-LJL** **Case No.: 1:20-cv-4362-LJL** **Case No.: 1:20-cv-5070-LJL**

DECLARATION OF JOHN A. YANCHUNIS IN OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS AND SERVICE AWARDS

I, John A. Yanchunis, hereby declare and state as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner in the firm of Morgan and Morgan Complex Litigation Group ("Morgan & Morgan"), one of the law firms representing Plaintiffs in this Action.[1]

2. Morgan & Morgan was appointed one of the Settlement Class Counsel in this Action. (Order Granting Preliminary Approval, ECF 137 at 3.) I submit this declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, filed concurrently. I am personally familiar

[1] Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the Settlement Agreement and Release. References to "§" are to sections of the Settlement Agreement and Release ("Settlement Agreement"). (ECF 143-1.)

with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

3. The lawyers with Morgan & Morgan who were assigned to work on this case have prosecuted this Action solely on a contingent-fee basis and the firm has been at risk that it would not receive any compensation for prosecuting claims against Defendant Deloitte Consulting LLP ("Deloitte").

I. MANAGEMENT OF THIS ACTION

4. The current and former attorneys from Morgan & Morgan, in addition to myself, who have worked on this Litigation are Jean Sutton Martin and Ryan J. McGee.

5. On May 21, 2020, Plaintiffs Culbertson, Gibson, and Sylvester filed their Complaint in this Court. (ECF 1.) On May 29, 2020, Plaintiff Melissa Alexander, represented by Morgan & Morgan and others, filed a Class Action Complaint against Deloitte alleging negligence, breach of implied contract, and unjust enrichment, on the basis that Deloitte had allegedly failed to protect her PII. (Case No. 1:20-cv-04129-LJL, Compl., ECF 1.) Plaintiff Alexander filed a Statement of Relatedness to the *Culbertson* matter on the same day. (*Id.*, ECF 4.) On June 23, 2020, the Court consolidated the *Culbertson*, *Alexander*, *Burns*, and *Neal* cases.

6. On August 18, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan (the "Motion"). (ECF 129.) On August 27, 2021, the Court granted Plaintiffs' Motion with one change to the objection section. (ECF 137; ECF 138.) On September 20, 2021, the revised Settlement was filed. (ECF 143-1.)

7. Since its inception, as chair of the Experts Committee and as a member of the Plaintiffs Steering Committee, the lawyers with Morgan & Morgan have actively participated in those aspects of the case assigned to any one of them, including, but not limited to: (1) case

investigation; (2) drafting of the complaints; (3) discovery; (4) legal research; (5) drafting of motions and briefs: (6) participating in case strategy conferences and decisions; (7) preparing for and attending mediation and assisting with the settlement negotiations , which were successful; (8) assisting with the preparation the settlement agreement and related exhibits; and (9) preparing sections of the motion for final approval, particularly the sections addressing article III standing. Thus, I am fully familiar with the proceedings. These tasks required extensive focus, labor and attention to detail, while also ensuring that duplication of effort was kept to a minimum.

8. Additionally, lawyers and professional staff members for Morgan & Morgan participated in regular calls with Class Counsel. During these calls, various aspects of this Action were discussed.

II. MORGAN & MORGAN'S LODESTAR AND LITIGATION EXPENSES

9. This declaration generally summarizes the work performed by lawyers for Morgan & Morgan on behalf of Plaintiffs and the Settlement Class Members in this Action. As demonstrated below, Morgan & Morgan has worked diligently to perform tasks throughout the entire course of this litigation as described above.

10. Before initiating any action, Class Counsel conducted a thorough investigation of the claims, both legal and factual. Specifically, Morgan & Morgan thoroughly investigated and researched the claims, which allowed Class Counsel to better evaluate the factual claims regarding the allegations against Defendant.

11. Not including the time expended in preparing the application for fees and expenses, the table below details the hours billed and the amount billed at current rates through November 30, 2021, for Morgan & Morgan's attorneys and paralegals:

Attorney	Total Hours	Hourly Rate	Amount
John A. Yanchunis	61.6	$950	$58,520.00
Jean Sutton Martin	10.5	$919	$9,649.50
Ryan J. McGee	43.9	$764	$33,539.60
Paralegal	**Total Hours**	**Hourly Rate**	**Amount**
Andrea Carbone	6.5	$202	$1,313.00
Jennifer Cabezas	5.9	$208	$1,227.20
Total:	**128.4**		**$104,249.30**

This Summary was prepared from contemporaneous, daily time records regularly prepared and maintained by Morgan & Morgan.

12. The attorneys of Morgan & Morgan billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including:

a. *In re: Yahoo! Inc. Customer Data Sec. Breach Litig.*, 16-MD-02752-LHK, 2020 WL 4212811, at *26 (N.D. Cal. July 22, 2020) (approving as reasonable rates of class counsel, which included $900 for John Yanchunis, and $550 for Mr. Barthle, and finding as reasonable: "billing rates for partners range from about $450 to $900, depending on seniority level," "billing rates for non-partner attorneys, including of counsel, associates, and staff/project attorneys, range from about $160 to $850, with most under $500," and "billing rates for paralegals range from $50 to $380");

b. *In re: Equifax Inc. Customer Data Security Breach Litigation*, Case No 1:17-

md-02800-TWT, ECF 956 at 105 (N.D. Ga. Jan. 13, 2020), (approving as reasonable rates of class counsel, which included $950 for John Yanchunis, and approving rates ranging from $750 - $1050 for lead counsel).

c. *Walters v. Kimpton Hotel & Restaurant*, No. 3:16-cv-05387, ECF 117 (N.D. Cal. July 11, 2019), id., ECF 113-1 (May 8, 2019) (identifying Morgan and Morgan rates of $864-950 for partners, $450-636 for associates, $196 for paralegals, and $300 for investigators);

d. *Finerman v. Marriott Ownership Resorts, Inc.,* No. 3:14-cv-01154, ECF 222 (M.D. Fla. Aug. 15, 2018); id., ECF 222 (May 7, 2018) (identifying Morgan and Morgan rates of $950 for John Yanchunis, $450-864 for associates, $196 for paralegals, and $300 for investigators);

e. *Sanborn v. Nissan N. Am., Inc*., No. 0:14-cv-62567, ECF 200 at 3 (S.D. Fla. Jan. 6, 2017); id., ECF 195-3 at 4 (Oct. 14, 2016) (identifying Morgan and Morgan rates of $950 for John Yanchunis, $450 for associate); and,

f. *Dyer v. Wells Fargo Bank, N.A*., No. 3:13-cv-02858, ECF 51 at 10 (N.D. Cal. Oct. 22, 2014); id., ECF 43-1 (July 11, 2014) (identifying Morgan and Morgan rates of $900 for John Yanchunis, $550 for associate).

13. During the course of this Action, Morgan & Morgan incurred $826.10 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of Morgan & Morgan and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Court Costs, Filing Fees and Transcripts	$814.00
Delivery/Courier	$1.80
Legal Research	$10.30
TOTAL	**$826.10**

14. Class Counsel necessarily must continue to work with the Settlement Administrator, review and respond to objections, move for final approval, handle appeals, and oversee the final administration of benefits to Settlement Class Members. Based upon experience, this could amount to dozens of additional hours of attorney time.

III. MORGAN & MORGAN HAS A LENGTHY HISTORY REPRESENTING CONSUMERS

15. Morgan & Morgan has a lengthy history of representing consumers, employees, businesses and other clients in class action and other commercial litigation. A true and correct copy of the Morgan & Morgan Firm Resume is attached as Exhibit A.

16. I lead the National Consumer Class Action department of Morgan & Morgan's Complex Litigation Group. Morgan & Morgan is the largest law firm in the United States dedicated exclusively to plaintiffs, employing over 700 lawyers and 3,000 support staff, who serve consumers in offices located in 49 states. Morgan & Morgan is comprised of well-seasoned and experienced trial lawyers who have recovered groundbreaking, multi-million-dollar verdicts, as well as attorneys who have held significant roles in government and public service, including the former Governor of Florida, a former member of Congress, and a member of President

William J. Clinton's Cabinet. Morgan and Morgan lawyers have played pivotal roles in shaping class-action jurisprudence across the country.

17. For more than 39 years, my practice has concentrated on complex litigation, including consumer class actions for more than two-thirds of that time. I served, by appointment of Judge Lucy Koh, as lead counsel in perhaps the largest class action lawsuit in history: *In re: Yahoo! Customer Data Security Breach Litigation*, No. 16-md-02752-LHK (N.D. Cal.). I also serve, or have served, in leadership positions in the following Multidistrict cases: *In re Capital One Customer Data Security Breach Litigation*, Case No.: 1:19-md-2915 (ED. Va.) (Co-Lead Counsel); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.) (member of the Plaintiffs' Steering Committee) (final approval of $380.5 million fund); *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.D.C.) ("OPM") (member of the Executive Committee) (dismissal on standing grounds recently reversed on appeal to the D.C. Circuit); *In re The Home Depot, Inc. Consumer Data Sec. Data Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.) (co-Lead Counsel) (final judgment entered approving a settlement on behalf of a class of 40 million consumers with total value of $29,025,000); *In re Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 2522 (D. Minn.) (Executive Committee member) (final judgment approving a settlement on behalf of a class of approximately 100 million consumers upheld by the 8th Circuit); and *In re: Ford Fusion and C-Max Fuel Economy Litigation*, No. 13-md-2450 (S.D.N.Y.) (liaison counsel), amongst others.

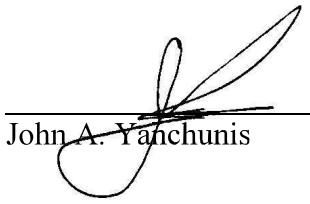
18. As a result of my experience in insurance and complex litigation, beginning in 2005, I was selected by Tom Gallagher, the Chief Financial Officer for the state of Florida and a member of the Florida Cabinet, to serve as lead counsel for the Florida Department of Financial

Services and the Florida Department of Insurance Regulation (the insurance regulators of Florida) in their investigations of the insurance industry on issues concerning possible antitrust activity and other possible unlawful activities regarding the payment of undisclosed compensation to insurance brokers. I served as lead regulator counsel and worked with a core group of state Attorneys General from the National Association of Attorneys General, which were selected to conduct the investigations. The insurance regulator for Florida was the only insurance regulator in the group. The litigation that was filed and the related investigations netted millions of dollars in restitution for Florida consumers and resulted in significant changes in the way commercial insurance is sold in Florida and across the country.

19. During my career, I have tried numerous cases in state and federal courts, including one of the largest and longest insurance coverage cases in U.S. history, which was filed in 1991 by the Celotex Corporation and its subsidiary, Carey Canada, Inc. During the seventeen years the case pended, I served as lead counsel for several insurance companies, regarding coverage for asbestos and environmental claims. The case was tried in three phases over several years beginning in 1992. I was also lead counsel for these parties in the subsequent appeals that followed a judgment in favor of my clients.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: December 1, 2021



John A. Yanchunis

Exhibit A

Morgan & Morgan is a leading civil trial law firm representing consumers and commercial clients nationwide. With over 700 lawyers, and more than 3,000 non-lawyer employees, Morgan & Morgan is the largest plaintiffs' firm in the nation. Morgan & Morgan maintains over offices throughout the United States. Among its lawyers are former state attorney generals and present and former members of various state legislatures.

Morgan & Morgan has a dedicated Complex Litigation Group staffed with lawyers, paralegals, and retired FBI agents serving as investigators committed to representing consumers in complex litigation, MDL proceedings and class action cases throughout the country. It has achieved many remarkable results in class litigation, including the settlement of *In re Black Farmers Discrimination Litigation*, no. 08-0511 (D.C. Oct. 27, 2017), where one of its partners served as co-lead. The case resulted in a settlement with the United States Government in the amount of $1.2 billion for African American farmers who had been systematically discriminated against on the basis of race, in violation of the Fifth Amendment to the United States Constitution, the Equal Credit Opportunity Act, Title VI of the Civil Rights Act, and the Administrative Procedure Act. Morgan & Morgan has assembled a talented team of lawyers:

Mr. Yanchunis leads the class action section of the law firm. His practice—which began after completing a two-year clerkship with United States District Judge Carl O. Bue, Jr., S. D. Tex.—has concentrated on complex litigation and spans over 38 years, including consumer class actions for more than two-thirds of that time. As a result of his extensive experience in privacy and data-breach litigation, he regularly lectures at seminars regarding privacy litigation.

Alongside his experience in the area of privacy, he also served as lead, co-lead, and class counsel in numerous national class actions, including multi-district litigation, involving a wide range of subjects affecting consumers, including antitrust, defective products, life insurance, annuities, and deceptive and unfair acts and practices. In 2014, he was recognized by the National Law Journal as a trailblazer in the area of privacy litigation, and in 2020, he was recognized by LAW 360 for the second year in a row as one of 4 MVPs in the area of privacy and cyber security litigation. For his work in the area of privacy litigation, he was awarded lawyer of the year by The

Daily Business Review.

As a result of his experience in insurance and complex litigation, beginning in 2005, he was selected by Tom Gallagher, the Chief Financial Officer for the state of Florida and a member of the Florida Cabinet, to serve as lead counsel for the Florida Department of Financial Services and the Florida Department of Insurance Regulation (the insurance regulators of Florida) in their investigations of the insurance industry on issues concerning possible antitrust activity and other possible unlawful activities regarding the payment of undisclosed compensation to insurance brokers. He served as lead regulator counsel and worked with a core group of state Attorneys General from the National Association of Attorneys General, which were selected to conduct the investigations. The insurance regulator for Florida was the only insurance regulator in the group. The litigation that was filed and the related investigations netted millions of dollars in restitution for Florida consumers and resulted in significant changes in the way commercial insurance is sold in Florida and across the country.

During his career, he has tried numerous cases in state and federal courts, including one of the largest and longest insurance coverage cases in U.S. history, which was filed in 1991 by the Celotex Corporation and its subsidiary, Carey Canada, Inc. During the seventeen years the case pended, he served as lead counsel for several insurance companies, regarding coverage for asbestos and environmental claims. The case was tried in three phases over several years beginning in 1992. He was also lead counsel for these parties in the subsequent appeals that followed a judgment in favor of his clients.

Mr. Yanchunis began his work in privacy litigation in 1999 with the filing of *In re Doubleclick Inc. Privacy Litigation,* 154 F. Supp. 2d 497 (S.D.N.Y. 2001), alleging privacy violations based on the placement of cookies on hard drives of internet users. Beginning in 2003, he served as co-Lead Counsel in the successful prosecution and settlement of privacy class action cases involving the protection of privacy rights of more than 200 million consumers under the Driver's Protection Privacy Act (DPPA) against the world's largest data and information brokers, including Experian, R.L. Polk, Acxiom, and Reed Elsevier (which owns Lexis/Nexis). See *Fresco v. Automotive Directions, Inc.,* No. 03-61063-JEM (S.D. Fla.), and *Fresco v. R.L. Polk*,No. 07-cv-60695-JEM (S.D. Fla.). Subsequently, I also served as co-Lead Counsel in the DPPA class cases, *Davis v. Bank of America*, No. 05-cv-80806 (S.D. Fla.) ($10 million class settlement), and *Kehoe v. Fidelity Fed. Bank and Trust,* No. 03-cv-80593 (S.D. Fla.) ($50 million class settlement).

He has been appointed and served in leadership positions a number of multidistrict litigation in the area of privacy and data breaches: *In re: Capital One Consumer Data Security*

Breach Litigation, No. 1:19-MD-2915-AJT (E.D. Va.) *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752-LHK (N.D. Cal.) ("Yahoo") (Lead Counsel) (Court approved $117,500,000.00 common fund settlement for approximately 194 million US residents and 270,000 Israeli citizens); *In re The Home Depot, Inc. Consumer Data Sec. Data Breach Litig.,* No. 1:14-md-02583-TWT (N.D. Ga.) (co-Lead Counsel) (final judgment entered approving a settlement on behalf of a class of 40 million consumers with total value of $29,025,000); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.) (member of the Plaintiffs' Steering Committee) (final judgment entered approving $380.5 million fund for 145 million consumers); *In re: U.S. Office of Personnel Management Data Security Breach Litigation,* 1:15-mc-01394-ABJ (D.D.C.) ("OPM") (member of the Executive Committee) (active litigation); *In re Target Corp. Customer Data Sec. Breach Litig.,* MDL No. 2522 (D. Minn.) (Executive Committee member) (final judgment approving a settlement on behalf of a class of approximately 100 million consumers).

His court-appointed leadership experience in non-MDL, data breach class actions is likewise significant, and to just name several: *Schmidt, et al., v. Facebook, Inc.,* No. 3:18-cv-05982 (N.D. Cal.) (Co-Lead Counsel) ("Facebook") (consolidated complaint filed in February 2019; motion for class certification fully briefed and argued on November 6, 2019); *Walters v. Kimpton Hotel & Restaurant,* No. 3:16-cv-05387 (N.D. Cal.) ("Kimpton") (Lead Counsel) (class action settlement final approval order entered July 11, 2019); and *In re: Arby's Restaurant Group, Inc. Data Security Litigation,* Nos. 1:17-cv-514 and 1:17-cv-1035 (N.D. Ga.) (co-Liaison Counsel) (final approval of a class settlement entered June 6, 2019); and Jackson, et al., v. Wendy's International, LLC, No. 6:16-cv-210-PGB (M.D. Fla.) (final approval of a class settlement entered February 26, 2019); *Henderson v. Kalispell Regional Healthcare*, No. CDV-19-0761 (Montana Eighth Judicial Court – Cascade County) (final approval of class settlement entered January 5, 2021); *In re: Citrix Data Breach Litigation*, No. 19-cv-61350 (S.D. Fla.) (preliminary approval of class action settlement entered on January 26, 2021); *Kuss v. American HomePatient, Inc.,* et al., 18-cv-2348 (M.D. Fla.) (final approval of class action settlement entered on August 13, 2020); *Fulton-Green v. Accolade, Inc*., 18-cv-274 (E.D. Pa.) (final approval of class action settlement entered September 23, 2019); *Nelson v. Roadrunner Transportation Systems, Inc.,* 18-cv-7400 (N.D. Ill.) (final approval of class action settlement entered September 15, 2020).

His experience in these major data breach matters extends far beyond simply briefing threshold issues and negotiating settlements. Rather, he has personally deposed dozens of corporate representatives, software engineers, cyber professionals and CISOs in major data breach cases such as Capital One, Yahoo, Kimpton, and Facebook. In addition, he has defended experts used in these cases and also deposed defense liability and damage experts.

As result of his experience in the area of class litigation and ethics, he has served as an expert for The Florida Bar on ethical issues arising in class action litigation.

He is a frequent lecturer on privacy and class litigation nationally and internationally, including at international conferences, having presented at the University of Haifa's 2019 Class Action Conference, in Haifa, Israel, attended by lawyers, judges and law professors from around the world. In 2020 he lectured on data privacy in Mexico, and in November 2020 he presented on data privacy to an international group of lawyers, judges and professors at a symposium in London sponsored by the London Law Society.

While at the University of Florida Mr. Yanchunis was a member of Florida Blue Key and Omicron Delta Kappa. He received his Juris Doctor degree from the South Texas College of Law in 1980, where he graduated magna cum laude. During law school, Mr. Yanchunis was a member of the Order of the Lytae, Associate Editor-in-Chief and Technical Editor of the South Texas Law Journal.

Michael F. Ram. Mr. Ram is a consumer class action lawyer with 38 years of experience. He graduated cum laude from Harvard Law School in 1982. He has co-tried several class action trials and frequently lectures on class trials. In 1992 he was a co-recipient of the Trial Lawyer of the Year Award given by Trial Lawyers for Public Justice for *National Association of Radiation Survivors v. Walters* No. 83-c-1861 (N.D. Cal.) (tried to class-wide judgment on remand from Supreme Court).

From 1993 through 1997, Mr. Ram was a partner with Lieff, Cabraser, Heimann and Bernstein where he represented plaintiffs in several major class actions, including:

Cox v. Shell, Civ. No 18,844 (Obion County Chancery Court, Tenn.) national class of six million owners of property with defective polybutylene plumbing systems; *In re Louisiana-Pacific Inner-Seal Litigation*, No. 95-cv-879 (D. Oregon) (co-lead counsel) national class of homeowners with defective siding; *ABS Pipe Litigation,* Cal. Judicial Council Coordination Proceeding No. 3126 (Contra Costa County) national class of homeowners.

In 1997, Mr. Ram founded Levy, Ram & Olson which became Ram & Olson and then Ram, Olson, Cereghino & Kopczynski. He was co-lead counsel in many consumer class actions including a national class of half a million owners of dangerous glass pane gas fireplaces in *Keilholtz et al. v. Superior Fireplace Company*, No. 08-cv-00836 (N.D. Cal. 2008). He was co-lead counsel for plaintiffs in *Chamberlan v. Ford Motor Company,* No. 03-cv-2628 (N.D. Cal.), a class action involving defective intake manifolds that generated four published opinions, including one by the Ninth Circuit, 402 F.3d at 950, and settled one court day before the class trial. He was also co-counsel for plaintiffs in a number of other consumer class actions, including:

- *Falk v GM* 496 F. Supp. 2d 1088 (2007) which became *In re General Motors Corp. Product Liability Lit.* MDL. No. 1896 (W.D. Wash.) involving defective speedometers.

- *Richison v. American Cemwood Corp.,* San Joaquin Superior Court Case No. 005532. multistate class of tens of thousands of owners of homes with defective Cemwood Shakes

- *Williams v. Weyerhaeuser,* San Francisco Superior Court Case No. 995787. National class of hundreds of thousands of owners of homes and other structures with defective Weyerhaeuser hardboard siding.

- *Naef v. Masonite,* Mobile County, Alabama Circuit Court Case No. CV-94-4033. A nationwide class of homeowners with defective hardboard siding on their homes.

- *Hanlon v. Chrysler Corp*., 150 F.3d 1011 (9th Cir. 1998) (approving class action settlement).

- *McAdams v. Monier, Inc.* (2010) 182 Cal. App. 4th 174 (reversing denial of class certification in consumer class action). Tried to verdict. Prevailed on appeal. Mr. Ram represents a class of consumers who allege that the defendant/manufacturer affirmatively represented that its roof tiles had a 50-year lifetime, that their color was permanent, and that they were maintenance-free. Id. In reversing the denial of class certification, the Court of Appeal held that an inference of common reliance was adequate to show causation as to each class member.

- *Gardner v. Stimson Lumber Co.* (King County Wash. No. 2-17633-3-SEA) (nationwide consumer class action involving defective siding).

- *Rosenberg v. U-Haul* (Santa Cruz Superior Ct. No. CV-144045 (certified consumer class action for false and deceptive conduct; tried successfully to judgment)(co-lead counsel).

- *In re Google Buzz User Privacy Litigation*, No. 10-cv-00672-JW (N.D. Cal. 2011) (international class action settlement for false and deceptive conduct) (liaison counsel).

- *Whitaker v. Health Net of California, Inc.*, *and International Business Machines Corp*, No. 2:11-cv-0910 KJM DAD (E.D. Cal.) (electronic privacy class action under the California Confidentiality of Medical Information Act)

- *Milligan v. Toyota Motor Sales*, U.S.A., Inc., United States District Court, N.D. Cal. Case No. C09-05418-RS. national class of 235,000 owners of Toyota RAV-4 vehicles for defects in the transmission and electronic control modules

- *In re Kitec Plumbing System Products Liab. Litigation MDL No 2098*, N.D. Texas, No. 09-MD-2098. co-lead counsel for a multi-national MDL class action involving claims concerning defective Kitec plumbing systems in more than 225,000 homes in the United States and Canada.

- *Ehret v. Uber Techs., Inc*., 148 F. Supp. 3d 884 (N.D. Cal. Judge Chen)

From 2017 to 2020, Mr. Ram was a partner at Robins Kaplan LLP. In August, 2020, Mr. Ram joined Morgan & Morgan to open a San Francisco office for them. He is currently co-lead counsel in numerous consumer class actions, including *Gold v. Lumber Liquidators,* N.D. Cal. No. 14-cv-05373-RS, a certified multistate class action involving bamboo floors, and *Fowler v. Wells Fargo,* N.D. Cal. No. 3:17-cv-02092-HSG, a class action involving interest charges that settled for $30 million.

Jean Sutton Martin. For more than 20 years, Ms. Martin has concentrated her practice on complex litigation, including consumer protection and defective products class action. She has served in leadership positions in many consumer class actions and consolidated proceedings in federal courts around the country, including *inter alia*: *In re Brinker Data Incident Litigation*, No. 18-cv-686 (M.D. Fla.) (interim co-lead counsel); *Gordon, et al. v. Chipotle Mexican Grill*, *Inc.*, No. 17-cv-01415 (D. Colo.) (data breach) (co-lead counsel)(preliminary approval granted); *In re: Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation*, No. 17-md-2775 (D. Md.) (defective hip implant) (member of Plaintiffs' Steering Committee and bellwether trial team) *Linnins v. HAECO Americas, Inc., et al.*, No. 16-cv-486 (M.D.N.C.) (employee data disclosure) (co-lead counsel); *Torres v. Wendy's International, LLC*, No. 6:16- cv-210 (M.D. Fla.) (data breach) (class counsel); *Fuentes, et al. v. UniRush, LLC, et al.,* No. 1:15- cv-08372 (S.D.N.Y.) (disruption in servicing of financial accounts) (co-lead counsel); *Lewis, et al., v. Green Dot Corp., et al*., No. 2:16-cv-03557 (C.D. Cal.) (disruption in servicing of financial accounts) (class counsel); *Brady, et al. v. Due North Holdings, LLC, et al.*, No. 1:17-cv-01313 (S.D. Ind.) (employee data disclosure) (class counsel); *Foreman v. Solera Holdings, Inc.*, No. 6:17-cv-02002 (M.D. Fla.) (employee data disclosure) (class counsel); *In Re: Outer Banks Power Outage Litigation*, No. 4:17-cv-141 (E.D.N.C.) (extended island power outage due to defective construction practices) (class counsel); and, *McCoy v. North State Aviation, LLC, et al.*, No. 17-cv-346 (M.D.N.C.) (WARN Act violations) (class counsel).

Ms. Martin received her Juris Doctor degree from Wake Forest University School of Law, where she served as Editor-in-Chief of the *Wake Forest Law Review*. She obtained eDiscovery certification from the eDiscovery Training Academy at Georgetown Law Center in 2017. Ms. Martin graduated from Wake Forest University with a Bachelor of Science in Mathematical Economics in 1989. She earned a Master of International Business from the University of South Carolina in 1991. She interned with the sales finance team of Digital Equipment Company in Munich, Germany and was tasked with compiling the sales figures for European operations as well as determining sales forecasts and pricing models for sales to universities and other educational institutions for the company's expansion into the Eastern European market after the fall of the Berlin wall. Before heading back to law school, Ms. Martin worked as a marketing manager for an international candy manufacturer where her responsibilities included product development, brand licensing, market research, and sales analysis.

Ms. Martin has been honored with the prestigious "AV" rating by Martindale-Hubbell. In 2015, she was inducted as a Fellow of the Litigation Counsel of America, a prestigious trial lawyer honorary society comprised of less than one-half of one percent of American lawyers. Fellows are selected based upon excellence and accomplishment in litigation, both at the trial and appellate levels, and superior ethical reputation. For upholding the highest principles of the legal profession and for outstanding dedication to the welfare of others, Ms. Martin has also been selected as a Fellow of the American Bar Foundation, an honorary legal organization whose membership is limited to one third of one percent of lawyers in each state. In 2016, Ms. Martin was selected by her peers as the foremost Litigation attorney in the State of North Carolina for *Business North Carolina Magazine's Legal Elite*, gaining membership in the *Legal Elite* Hall of Fame. Since 2012, she has been selected to the Super Lawyers list for North Carolina in the areas of mass torts and class actions, with selection to the Top 50 Women North Carolina list since 2014. Additionally, Ms. Martin has been named by National Trial Lawyers to the Top 100 Trial Lawyers, Top 50 Class Action Lawyers, and Top 50 Mass Torts Lawyers for North Carolina.

Ms. Martin is a member of the North Carolina bar, having been admitted in 1998. She is also admitted to practice before the United States Supreme Court, the United States Court of Federal Claims, the United States Court of Appeals for the Fourth Circuit, the Western, Middle, and Eastern Districts of North Carolina, and the United States District Court of Colorado.

Marcio Valladares. Mr. Valladares was born in Managua, Nicaragua and immigrated to the United States during Nicaragua's civil war. In 1990, Marcio obtained a Bachelor of Science degree in psychology from the University of Florida. In 1993, he obtained his Juris Doctor degree, *magna cum laude*, from Florida State University. He is pursuing a Masters in Law (LL.M.) degree from Columbia University, focusing on federal and comparative law.

Before joining Morgan & Morgan, Marcio worked in both the public and private sectors. He served as a judicial law clerk to the Honorable Steven D. Merryday, United States District Judge, Middle District of Florida, and then served as a judicial law clerk to the Honorable Susan H. Black, United States Circuit Court Judge, Court of Appeals for the Eleventh Circuit. Marcio served as an Assistant United States Attorney for the Middle District of Florida. In the private sector, Marcio practiced commercial litigation and insurance defense at Holland & Knight LLP. Marcio also worked as in-house counsel for the Mayo Clinic. Marcio is fluent in English and Spanish.

Marie Noel Appel. Ms. Appel has dedicated her career to representing consumers in both individual and class action cases involving claims under consumer protection laws and other statutory and common law claims. She earned a B.A. in French from San Francisco State University in 1992 and graduated from University of San Francisco School of Law in 1996.

For most of her career, Ms. Appel has been in private practice litigating class claims related to defective products, mortgage fraud/Truth in Lending violations, unfair business practices relating to manufactured home sales, interest overcharges by the United States on military veterans' credit accounts, and statutory violations by the United States relating to offset of debts beyond the limitations period.

From 2012 to 2019, Ms. Appel left private practice to become the Supervising Attorney of the Consumer Project at the Justice & Diversity Center of the Bar Association of San Francisco which provides free legal services to low-income persons facing consumer issues.

In April 2019, Ms. Appel returned to private practice as Counsel at Robins Kaplan, LLP, then joined Morgan & Morgan in August 2020 where she focuses on class action litigation.

In additional to her legal practice, Ms. Appel is an Adjunct Professor at Golden Gate University School of Law in San Francisco where she teaches legal research and writing, and from 2011 to 2018 supervised students at the Consumer Rights Clinic, in which students performed legal work at the Justice & Diversity Center's Consumer Debt Defense and Education Clinics.

Ms. Appel is admitted to practice in United States District Courts in the Central District of California; the Eastern District of California; the Northern District of California; and the Southern District of California.

Kenya Reddy. Ms. Reddy represents consumers in class action litigation. She graduated from Duke University in 1997 with a degree in political science. In 2000, she received her law degree from the University of Virginia School of Law. Prior to joining Morgan & Morgan, Ms.

Reddy was a shareholder at Carlton Fields, P.A., where her primary areas of practice were antitrust, complex civil litigation, class action defense, and business litigation. She also has experience in including labor and employment, products litigation, ERISA and employee benefits law, insurance, healthcare, and securities litigation.

Ms. Reddy has served as a law clerk for the Honorable Charles R. Wilson, United States Circuit Court Judge, Court of Appeals for the Eleventh Circuit, the Honorable Anne C. Conway, former Chief Judge of the United States District Court for the Middle District of Florida, the Honorable Mary S. Scriven, United States District Judge, Middle District of Florida, and the Honorable Karla R. Spaulding, United States Magistrate Judge, Middle District of Florida.

Ms. Reddy was a guest speaker in January 2019 at HarrisMartin's Marriott Data Breach Litigation Conference on the topic of standing in data breach cases. In October 2019, she presented on the topic of third-party litigation funding at the Mass Torts Made Perfect Conference.

Ms. Reddy is admitted to practice in the Northern, Middle, and Southern Districts of Florida.

Ryan Maxey. Mr. Maxey grew up in Tampa, Florida. He attended the University of South Florida, where he obtained Bachelors Degrees in Computer Science and Philosophy. During and after his undergraduate education, Mr. Maxey developed software and databases for Amalie Oil Company, an automotive lubricant manufacturer located in the Port of Tampa. Mr. Maxey later attended law school at the University of Florida, graduating *order of the coif* in 2008.

From 2008 to 2011, Mr. Maxey served as a judicial law clerk to the Honorable Elizabeth A. Jenkins, United States Magistrate Judge, University of Florida. Mr. Maxey then worked at one of the country's largest law firms, Greenberg Traurig, for four years. In 2015, Mr. Maxey joined Morgan & Morgan's Business Trial Group as a lead attorney handling a variety of business litigation matters. Mr. Maxey later started his own law practice, litigating claims related to breach of contract, trade secret misappropriation, the FLSA, the FDCPA, and premises liability.

Mr. Maxey was admitted to the Florida Bar in 2008 and is also admitted to practice in the Middle District of Florida and the Southern District of Florida.

Ryan J. McGee. Mr. McGee was born and raised in Tampa, Florida. He studied business economics and history at the University of Florida, where he was a teaching assistant for technology classes in the business school, and received his law degree from Stetson University College of Law, where he was an editor on the *Stetson Law Review*, a research assistant for antitrust and consumer protection laws, and a teaching assistant for Stetson's trial advocacy program.

Ryan began his legal career as a state-appointed prosecutor, where he tried over 50 jury trials to verdict, mostly felonies, as well as a special prosecutor appointed to investigate police officers' deadly use-of-force and corruption within various law enforcement agencies. Ryan also served as a law clerk for two years for the Honorable Elizabeth A. Kovachevich, the former Chief United States District Judge, Middle District of Florida. Before joining Morgan & Morgan, Ryan's practice involved complex business disputes, antitrust, trade secret, data security, and class action investigations and defense-side litigation in state and federal courts across the country.

Since shifting his focus entirely to consumer class action representation, Ryan has been selected as a Florida Super Lawyer Rising Star in 2018 and 2019 in the field of Class Actions, and has extensive privacy and consumer fraud class action experiencing, having actively participated in the following litigations: *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 16-md-02752-LHK (N.D. Cal.); *In re Equifax, Inc. Customer Data Sec. Breach Litigation*, No. 1:17-md-02800 (N.D. Ga.); *Morrow v. Quest*, No. 2:17-cv-0948(CCC)(JBC) (D.N.J.); *In re Google Plus Profile Litigation*, No. 5:18-cv-06164 EJD (N.D. Cal.); *Kuss v. American HomePatient, Inc., et al.*, No. 8:18-cv-02348 (M.D. Fla.); *Richardson, et al. v. Progressive Am. Ins. Co., et al.*, No. 2:18-cv-00715 (M.D. Fla.); *Hymes, et al. v. Earl Enterprises Holdings, Inc.*, No. 6:19-cv-00644 (M.D. Fla.); *Orange v. Ring, LLC, et al.*, No. 2:19-cv-10899 (C.D. Cal.).

Ryan was admitted to the Florida Bar in 2009 and is also admitted to practice in the Northern, Middle, and Southern Districts of Florida.

Patrick Barthle. Mr. Barthle was born and raised in Dade City, Florida. He attended the University of Florida where he was admitted to the Honors Program and graduated, *cum laude*, with a double major in History and Criminology in 2009. While at UF, Patrick was inducted into the Phi Beta Kappa Honor Society and served as President of the Catholic Student Center. Patrick attended Washington and Lee University School of Law, graduating *summa cum laude* in 2012; where he was a Lead Articles Editor for the Wash. & Lee Law Review, a member of the Order of the Coif and the Phi Delta Phi Legal Honor Society, and President of the W&L Law Families organization.

Before joining Morgan & Morgan in 2015, Patrick worked at one of the country's largest law firms, Greenberg Traurig, LLP, and then served as a judicial law clerk for two years to the Honorable Mary S. Scriven, United States District Judge, Middle District of Florida. Patrick has extensive privacy and consumer fraud class action experiencing, having actively participated in the following litigations: *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.C.); *Torres v. Wendy's International, LLC*, No. 6:16-cv-210 (M.D. Fla.); *Morrow v. Quest Diagnostics, Inc*., No. 2:17-cv-0948 (Dist. NJ); *In Re: Equifax, Inc.*

Customer Data Security Breach Litigation, 1:17-md-2800-TWT (N.D. Ga.); *In re The Home Depot, Inc. Customer Data Security Data Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, 16-md-02752-LHK (N.D. Cal.); and *Finerman v. Marriott Ownership Resorts, Inc.*, Case No.: 3:14-cv-1154-J-32MCR (M.D. Fla.).

Patrick was selected as a Florida Super Lawyer Rising Star in 2019 in the field of Class Actions. He is also active in speaking on privacy and class action topics, having spoken in June 2018, at the NetDiligence Cyber Risk Summit on the topic of Unauthorized Use of Personal Data; in November 2018 at the American Association for Justice's Advanced 30(b)(6) Seminar, on the topic of 30(b)(6) Depositions in in Data Breach Cases; and in January 2019 at HarrisMartin's Marriott Data Breach Litigation Conference on that topics of damage models and settlements in data breach cases; and Rule 23(c)(4) classes at the Mass Torts Made Perfect conference.

Mr. Barthle was admitted to the Florida Bar in 2012 and is also admitted to practice in the Middle District of Florida, the Southern District of Florida, and the District of Colorado.

Francesca Kester. Ms. Kester was born and raised in Scranton, Pennsylvania. She attended Marywood University, where she graduated with a major in English Literature, and The Pennsylvania State University's Dickinson School of Law, where she received her Juris Doctor degree in 2017. While at Dickinson, Ms. Kester competed in the American Bar Association's National Appellate Advocacy Competition, where she was awarded the highest honor for her legal brief writing, and the Texas Young Lawyer's National Trial Competition, where she finished as a regional finalist. Ms. Kester also served as Executive Chair of the Dickinson Law Moot Court Board, Founder of the Dickinson Law partnership with Big Brothers Big Sisters, and Student Director of the Bethesda Mission Men's Shelter legal clinic. At graduation, she was honored with the D. Arthur Magaziner Human Services Award for outstanding academic achievement and service to others, the Joseph T. McDonald Memorial Scholarship for excellence in trial advocacy, and the peer-selected Lee Popp Award for her devotion to the legal field.

Ms. Kester interned as a judicial clerk to United States Magistrate Judge Martin C. Carlson while in law school. After graduation, she served for two years as a law clerk to the Honorable James M. Munley in the United States District Court for the Middle District of Pennsylvania. Ms. Kester is a member of the Lackawanna County Bar Association, the Pennsylvania Bar Association, the American Association for Justice, and Order of the Barristers. In 2018 and 2019, she served as the attorney advisor for her alma mater's high school mock trial team, coaching them to a first place finish in the state and ninth in the nation.

Ms. Kester is admitted to practice law in both Pennsylvania and Florida.

Ra O. Amen. Mr. Amen was raised in both the California Bay Area and Massachusetts. In 2005, Ra graduated from Stanford University with a B.A. in Economics. After graduating, Ra worked as a Peace Corps volunteer in Morocco teaching English as a second language and business skills to local artisans. Before entering law school, Ra worked for several years in education and in business development for a mobile technology startup. In 2017, he obtained his Juris Doctor degree with Honors from Emory University School of Law. While at Emory Law, he was a Managing Editor of the Bankruptcy Developments Journal, interned at a consumer fraud law practice, and worked in-house with one of the globe's leading metals companies assisting in a diverse array of legal issues ranging from corporate restructuring to international tax and contract disputes. Before joining Morgan & Morgan in 2020, Mr. Amen worked at one of the nation's largest defense law firms in the nation where he specialized in representing clients in complex commercial, administrative, and ecclesiastical disputes.

Ra speaks both English and Spanish, and is an avid guitar player.

Ra was admitted to the Georgia Bar in 2017.

David Reign. Mr. Reign is the former Assistant Special Agent in Charge of the Tampa FBI Field office, with nearly 25 years of investigative experience. He has investigated and managed some of the FBI's most complex white-collar crime cases, with an emphasis on health care fraud, public corruption, and financial crimes. As Deputy Chief of the Enron Task Force, he led a team of investigators and analysts in the successful investigation and prosecution of several executives of the Enron Corporation. He received the Attorney General's Award for Exceptional Service for his work on the Enron matter.

EXHIBIT Q

REDACTED

October 21, 2021

Deloitte Consulting
PUA Data Security Incident
Class Action Settlement Administrator
Attn: Objections
Culbertson et al. v. Deloitte Consulting LLC
c/o Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

Re: Objecting or Commenting on the Settlement In Re Culbertson et al. v. Deloitte Consulting LLC, No. 1:20-CV-3962 (aka "Deloitte PUA Data Security Incident Lawsuit")

Dear Sir or Madam:

I am a Settlement Class Member of the above-captioned litigation and I object to the Settlement as I do not believe it to be fair, reasonable, or adequate (including Class Counsel's attorneys' fees, costs and expenses as well as service awards to the Settlement Class Representatives).

The grounds upon which I state my objections include the following:

- The amount of the Settlement should be larger given the damages suffered by the Class Members;
- The attorneys' fees are exorbitant and not commensurate with fees charged by other attorneys and/or firms practicing in the same jurisdiction and area of the law; and
- The Class Representatives are being overpaid.

I plan to attend (or if necessary appear at) the Final Approval Hearing to address the Court on these points.

Sincerely,

REDACTED

CLEVELAND OH 440
22 OCT 2021 PM 6 L

Deloitte Consulting PUA Data Security Incident
Class Action Settlement Administrator
Attn: Objections
Culbertson et al. v. Deloitte Consulting LLC
c/o Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

19103-204160