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*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SIDDHARTH MEHTA, KEVIN QIAN, and  
MICHAEL FURTADO, individually and on  
behalf of other similarly situated individuals,

Plaintiffs,

vs.

ROBINHOOD FINANCIAL LLC;  
ROBINHOOD SECURITIES, LLC; and DOES  
1-10

Defendants.

Case No.: 21-CV-01013-SVK

DECLARATION OF JULIE ERICKSON IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES, REIMBURSEMENT  
OF EXPENSES, AND CLASS  
REPRESENTATIVE SERVICE AWARDS

Date: May 16, 2023  
Time: 10:00 a.m.  
Courtroom: 6, 4<sup>th</sup> Floor  
Judge: Hon. Susan van Keulen

DECLARATION OF JULIE ERICKSON IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND CLASS REPRESENTATIVE SERVICE AWARDS

1 I, Julie C. Erickson, hereby declare as follows:

2 1. I am a partner at the law firm of Erickson Kramer Osborne LLP (“EKO”), counsel of  
 3 record for Plaintiffs in this matter. I am admitted to practice before this Court and am a member  
 4 in good standing of the bar of the State of California. I respectfully submit this declaration in  
 5 support of Plaintiffs’ motion for an award of attorneys’ fees, reimbursement of expenses, and  
 6 class representative service awards in the above-captioned class action (“Fee Motion”). I make  
 7 the following declaration based on my own personal knowledge and, where indicated based on  
 8 information and belief that the following statements are true. If called upon as a witness, I could  
 9 and would competently testify as follows.

10 2. I have been actively involved in the litigation of this matter, which began as a  
 11 putative class action on behalf of Robinhood customers in relation to unauthorized access of their  
 12 Robinhood accounts.

### 13 **Class Counsel’s Experience**

14 3. My partners and I have extensive experience in class action litigation and have been  
 15 approved by federal courts in the Ninth Circuit to serve as class counsel in numerous class  
 16 actions and class action settlements. In our combined 28 years of experience, we have litigated  
 17 over 50 class actions, including data and privacy lawsuits. Our experience includes federal and  
 18 state class actions in Washington, California, New York, Idaho, Nevada, Illinois, Florida, and  
 19 Guam. My partners and I have been recognized as among the most skilled in complex litigation  
 20 and trial advocacy by the National Trial Lawyers, Thompson Reuters Super Lawyers, Best  
 21 Lawyers In America, and others. A true and correct copy of my firm’s curriculum vitae is  
 22 attached hereto as **Exhibit 1**.

23 4. I am a founding partner of EKO. I have worked on a variety of class actions,  
 24 complex coordinated proceedings, and MDLs involving employment law, wage and hour,  
 25 consumer fraud, and elder abuse matters. Most recently, I served as class counsel in *A.B., et al. v.*  
 26 *The Regents of the University of California, et al.*, Case No. 2:20-cv-09555 (C.D. Cal. 2021)  
 27 (\$73 million settlement), a sexual abuse class action. I served as class counsel in a trio of class  
 28

actions and coordinated proceedings alleging fraud and unlawful business practices by California's largest healthcare service plans in connection with the rollout of Covered California in 2013 (*see, e.g., Harrington, et al. v. California Physician's Service dba Blue Shield of California*, No. CJC-14-004800 (Cal. Sup. Ct. 2015) (\$23+ million settlement) and *Felser, et al. v. Anthem Blue Cross*, JCCP No. 4805 (Cal. Sup. Ct. 2016) (\$18+ million settlement)). I have also served as class counsel on numerous employment and wage and hour class actions alleging wage and hour violations, managerial misclassification, and independent contractor misclassification. *See e.g., Camp, et al. v. Maplebear, Inc. dba Instacart*, No. BC652216 (Cal. Sup. Ct. 2018) (\$6.5+ million settlement). I also have trial experience, securing a jury verdict of over \$1 million on behalf of her client who was injured in a trucking incident. I have been named a Super Lawyers "Rising Star" for Northern California for the last five years. I was also named one of the "Top 40 under 40" civil plaintiffs lawyers and one of the "Top 10 Wage & Hour Trial Lawyers in California" by The National Trial Lawyers. In 2020, I was named the "Outstanding New Lawyer of the Year" by the San Francisco Trial Lawyers Association and was also nominated for the award in 2019. Prior to founding EKO in 2020, I worked at The Arns Law Firm, where, for over seven years, I led the firm's class action practice. I also serve as an adjunct professor at the University of San Francisco School of Law where I teach the course "Litigating Workers' Rights in the Gig Economy," which covers both employment law and class action procedure. My current billing rate on this case is \$750 per hour.

5. Elizabeth Kramer is a founding partner of EKO. Ms. Kramer has extensive experience litigating complex MDL and class actions involving securities and financial fraud, consumer fraud, privacy violations, civil rights, and sexual assault matters, including service as lead counsel in *In re USC Student Health Center Sexual Abuse Litigation*, 2:18-cv-04258-SVW-GJS (C.D. Cal. 2020) (\$215 million settlement) and *A.B., et al. v. The Regents of the University of California, et al.*, Case No. 2:20-cv-09555 (C.D. Cal. 2021) (\$73 million settlement), as court-appointed lead counsel in *In re Oppenheimer Rochester Funds Securities Litigation*, MDL Dkt. No. 2063 (Dist. Co. 2014) (\$50+ million settlement), and court-appointed co-lead counsel in *In*

1 *re Lenovo Adware Consumer Fraud Litigation*, No. 5:15-md-02624-HSG (N.D. Cal. 2019) (\$8+  
 2 million settlement) and *In re HP Printer Firmware Update Consumer Fraud Litigation*, 5:16-cv-  
 3 05820-EJD (N.D. Cal. 2019) (\$1.5 million settlement plus injunctive relief), among others. Both  
 4 *In re Lenovo* and *In re HP* involved claims relating to cybersecurity and data privacy. Prior to  
 5 founding EKO in 2020, Ms. Kramer worked for the reputable class action law firm Girard Sharp  
 6 LLP (formerly Girard Gibbs LLP) for over seven years. She has been named a Super Lawyer  
 7 “Rising Star” for Northern California for numerous years, including a designation as being a top-  
 8 rated civil litigation attorney in San Francisco. She has also been named one of the “Best  
 9 Lawyers in America” by Best Lawyers. Ms. Kramer’s current billing rate on this case is \$750 per  
 10 hour.

11           6. Kevin Osborne is a founding partner of EKO. Mr. Osborne has 14 years of  
 12 experience in complex litigation, representing plaintiffs in a variety of class actions and mass  
 13 actions involving employment, online privacy, consumer fraud, securities fraud, and elder abuse,  
 14 as well as individual litigation involving personal injury and products defects. Prior to founding  
 15 EKO, Mr. Osborne worked at The Arns Law Firm, where he litigated both class actions and  
 16 individual matters. He served as class counsel in *Fraley, et al. v. Facebook, Inc.*, Case No. 11-  
 17 cv-01726 (N.D. Cal. 2013, *affirmed by* 9th Cir. 2016), which alleged violations of consumer  
 18 privacy rights (\$23+ million settlement). He also served on one of the plaintiffs’ committees in  
 19 the mass action *In Re Ghost Ship Fire Litigation* (Cal. Sup. Ct., 2020) (\$33+ million settlement  
 20 plus additional confidential funds). Mr. Osborne also has extensive experience in wage and hour  
 21 class actions (*see e.g., Camp, et al. v. Maplebear, Inc. dba Instacart*, No. BC652216 (Cal. Sup.  
 22 Ct. 2018) (\$6.5+ million settlement)), as well as trial experience, having tried numerous cases to  
 23 juries in California, including *Matias v. Star-J Trucking* (\$1+ million verdict); *Frias v.*  
 24 *California Materials* (\$2+ million verdict); and *Reclusado v. Smith* (\$2+ million verdict). Mr.  
 25 Osborne has been named a top rated class action and mass torts attorney by Super Lawyers for  
 26 numerous years as well as one of the Top 100 Civil Plaintiffs Lawyers by The National Trial  
 27 Lawyers. He also serves as a member of the advisory board of the Katharine & George  
 28

Alexander Community Law Center, part of Santa Clara University School of Law, which provides pro bono advice and representation to advance the rights of workers and consumers. Mr. Osborne's current billing rate on this case is \$850 per hour.

#### Attorneys' Fees

7. Before and throughout the duration of this litigation, my partners and I met to discuss ways to efficiently divide the work and allocate resources so as to avoid unnecessary overlap and duplication of efforts, costs, and expenses. Over the course of the litigation, Class Counsel was required to perform independent investigation, significant legal research and writing related to motion practice, review thousands of pages of documents, and otherwise litigate the case vigorously through settlement, including significant discovery practice with Defendants. Discovery from Defendants was voluminous, and required many hours of review as well as meet and confer efforts with Defendants. The data produced by Defendants required considerable analysis by Class Counsel.

8. The proposed Settlement was agreed upon after extensive, contentious, arms-length negotiations between counsel for the Parties through mediation with Bruce Friedman of JAMS on March 29, 2022. Class Counsel prepared a comprehensive mediation brief and damages analyses, which I believe was instrumental in reaching a settlement. The Parties negotiated vigorously throughout the full-day mediation, but were unable to reach an agreement. The Parties continued to negotiate over the next several weeks through shuttle communications led by Mr. Friedman and finally reached a settlement in principle on May 4, 2022. Over the next eight weeks, the Parties negotiated a complete settlement agreement, along with exhibits of the notice, claim form, and proposed orders, which resulted in the Settlement Agreement executed on July 1, 2022. EKO drafted and filed the motion for preliminary approval, which was granted August 2022.

9. During the litigation of this case, EKO consisted of three attorneys: myself, Mr. Osborne, and Ms. Kramer. We handle concurrently approximately 12 class actions at any given

1 time. We were precluded from taking on other potentially lucrative matters due to the  
2 commitment involved in this case.

3 10. My partners and I prepared timesheets contemporaneously throughout this litigation.  
4 I have carefully reviewed my time records and those of my partners and believe that they fairly  
5 reflect the amount of time spent in this matter by each of us. In fact, it is my belief that each of us  
6 had an additional amount of time which was not accounted for, simply because we often took  
7 calls or had meetings which were not immediately memorialized. Where appropriate, I have also  
8 selectively reduced or eliminated time which I felt exceeded what was necessary for a given task.

9 11. EKO has worked a total of 824 hours in this litigation, representing a total lodestar  
10 of \$652,630 and an overall blended rate (lodestar divided by total hours) of \$792. All of the  
11 work represented by these hours was for the benefit of the class, and the time spent on said work  
12 was reasonable. I am confident that the hours totals reported in this declaration for EKO are  
13 below the time actually expended in this litigation. At some periods during the negotiations,  
14 communications between Defense Counsel and Class Counsel were practically continuous as we  
15 attempted to coordinate positions and conduct settlement negotiations.

16 12. The hourly rates for the attorneys in my firm, as listed herein, represent our usual  
17 and customary billing rates and are in line with rates for attorneys of comparable skill,  
18 experience, and qualifications that have been approved by federal courts within the Ninth  
19 Circuit, including this District, and other actions in California state courts. *See, e.g., A.B., et al. v.*  
20 *The Regents of the University of California, et al.*, Case No. 2:20-cv-09555, Dkt. 79, Order  
21 Granting Plaintiffs' Motion for Attorneys' Fees (C.D. Cal. May 23, 2022) (approving EKO's  
22 2020-2022 hourly rates of \$700 (Kramer and Erickson) and \$775 (Osborne)); *Torres v. North*  
23 *Pacific Seafoods, Inc.*, Case No. 2:20-cv-01545-JLR, 2021 WL 7366176, at \*2 (W.D. Wash.  
24 Dec. 9, 2021) (same);<sup>1</sup> *Cottle v. Plaid Inc.*, Case No. 4:20-cv-03056-DMR, 2022 WL 2829882,  
25 at \*11 (N.D. Cal. July 20, 2022) (finding partner hourly rates of \$850 to \$1,025 to be reasonable  
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27  
28 <sup>1</sup> In accordance with standard practice, EKO partners increased their billing rates in 2023 from those approved of in *UCLA* and *NPSI* by a reasonable amount.

and in line with rates in the Northern District of California community); *Fowler v. Wells Fargo Bank, N.A.*, 2019 WL 330910, \*7 (N.D. Cal. Jan. 25, 2019) (attorney rates of between \$300 and \$850 per hour for associates and partners were reasonable); *Hefler v. Wells Fargo & Co.*, 2018 WL 6619983, at \*14 (N.D. Cal. Dec. 18, 2018) (rates “from \$650 to \$1,250 for partners or senior counsel” were reasonable); *In re Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prods. Liab. Litig.*, No. 2672 CRB (JSC), 2017 WL 1047834, at \*5 (N.D. Cal. Mar. 17, 2017) (finding reasonable rates of \$275 to \$1,600 for partners and \$150 to \$790 for associates); *see also* Laffey Matrix, <http://www.laffeymatrix.com/see.html> (listing hourly rates of \$733-829 for attorneys with similar years of experience as EKO partners).

13. Attached as **Exhibit 2** is a table summarizing EKO’s lodestar broken down by attorney and by category of work. The ten categories used are: 1) Research, Case Review, and Memorandums; 2) Discovery, Document Review, and Organization; 3) Strategy Meetings, Communication, and Work Groups with Plaintiffs’ Counsel; 4) Correspondence with Class Representatives; 5) Correspondence with Experts and Other Non-Party Individuals; 6) Deposition and Exhibit Preparations; 7) Drafting, Filing, Order Review, and Motion Preparation; 8) Court Appearances and Preparation for Appearances; 9) Mediation, Settlement, and Related Preparation; and 10) Meet and Confer and Other Correspondence with Defendant. Exhibit 2 also contains a summary of EKO’s actual litigation expenses.

14. All three EKO partners spent time on all aspects of this case. To summarize, each attorney’s primarily responsibilities are as follows: Mr. Osborne and Ms. Erickson were primarily responsible for all pre-filing investigation and drafting the complaint. Mr. Osborne led the efforts on behalf of Plaintiffs with respect to two rounds of motions to dismiss and drafting the amended complaints. He also was responsible for communication with the clients and handled extensive correspondence with absent class members. Ms. Kramer handled much of the case management and discovery-related tasks. Because discovery involved a technology platform and sensitive personal information, discovery negotiations were extensive. In response to discovery requests, Robinhood produced over 11,000 pages of records and data files with



1 hundreds of technical guides, operating policy and procedure manuals, anonymized customer  
2 data files and service correspondence logs, and over 250,000 data points. The Parties were in the  
3 process of scheduling depositions when they agreed to go to mediation. Mr. Osborne and Ms.  
4 Kramer were also primarily responsible for mediation and settlement. Mr. Osborne handled the  
5 majority of work with respect to drafting Plaintiffs' mediation brief and performing Plaintiffs'  
6 damages analysis. Ms. Kramer led the negotiations for Plaintiffs during and following the  
7 parties' mediation and drafted and negotiated the settlement agreement and other settlement  
8 papers. Ms. Erickson performed significant work on the legal briefing in this case, working with  
9 Mr. Osborne in opposing the two motions to dismiss and preparing for the hearings on those  
10 motions. Ms. Erickson also drafted Plaintiffs' Motions for Preliminary Approval and Final  
11 Approval. A further description of the hours spent on this case by attorney is provided in the  
12 following paragraphs.

13  
14 15. **Kevin Osborne:** I have reviewed the hours entered by my partner Mr. Osborne and  
15 they comport with my recollection of the time which he spent on this case. Mr. Osborne has a  
16 total of 346.3 hours on this case, for a total lodestar of \$294,355. Mr. Osborne was the primary  
17 attorney on this case for the first half of litigation. He conducted much of the pre-filing  
18 investigation of this case, interviewing putative class members, researching Defendants, the  
19 industry, and Plaintiffs' potential claims, reviewing client documents, and conferring with me  
20 regarding strategy. He has had frequent communication with Class Members since preliminary  
21 approval and I anticipate he will continue communication to address their questions well after  
22 final approval. Mr. Osborne spent significant time drafting and editing the complaint in this  
23 litigation, which needed to be carefully framed to capture all claims and allege facts in a manner  
24 that would support class certification. He was primarily responsible for litigating Defendants'  
25 two motions to dismiss, doing much of the legal research and writing and appearing on behalf of  
26 the Plaintiffs at the hearings. Mr. Osborne also interfaced with media outlets that published  
27 articles relating to the case. Mr. Osborne was also central to the discovery-related tasks in the  
28 case. He reviewed and edited the parties' Rule 26(f) Report, led strategy meetings on the content



and timeline for Plaintiffs' discovery, drafted and edited Plaintiffs' 36 document requests and 80 requests for admissions, and met and conferred with defense counsel about discovery matters. He also reviewed Defendant's responses to Plaintiffs' discovery requests and reviewed Defendant's document productions. While no depositions were taken in this case, Mr. Osborne spent time preparing deposition notices and accompanying document requests, meeting and conferring with defense counsel regarding depositions, and beginning to prepare deposition outlines. He also researched and conferred with experts regarding Plaintiffs' claims. Mr. Osborne was the primary contact with the Plaintiffs in this matter and communicated with them to update them about the case and discuss settlement offers. Mr. Osborne was also critical to Plaintiffs' mediation and settlement efforts. Mr. Osborne drafted and edited Plaintiffs' mediation brief; read and analyzed Defendant's mediation brief; executed tens of thousands of calculations using hundreds of thousands of data points to assess potential damages in the case; analyzed and discussed with Ms. Kramer the prospects of settlement and proposed mediators; prepared for the mediation by re-reading all mediation briefs and reviewing discovery, case law, and Plaintiffs' damages analysis; and, alongside Ms. Kramer, served as lead attorney for Plaintiffs at the Parties' all-day mediation with Bruce Friedman.

16. **Elizabeth Kramer:** I have reviewed the hours entered by my partner Ms. Kramer and they comport with my recollection of the time which she spent on this case. Ms. Kramer has a total of 246.9 hours on this case, for a total lodestar of \$185,175. Ms. Kramer was the primary attorney on the case during the second half of litigation. She was central to the discovery-related tasks in the case including drafting and negotiating the parties' ESI protocol and stipulated protective order, reviewing and responding to Defendants' discovery requests and related meet and confers with defense counsel. A significant amount of Ms. Kramer's time was spent on tasks related to mediation, settlement, and related preparation. She drafted and edited Plaintiffs' mediation brief; read and analyzed Defendant's mediation brief; analyzed and discussed with Mr. Osborne the prospects of settlement and proposed mediators; prepared for the mediation by re-reading all mediation briefs and reviewing discovery, case law, and Plaintiffs' damages

1 analysis; and, alongside Mr. Osborne, served as lead attorney for Plaintiffs at the all-day  
2 mediation with Mr. Friedman. Following the mediation, Ms. Kramer continued to lead  
3 negotiations through Mr. Friedman and eventually negotiated and drafted the settlement term  
4 sheet with defense counsel. Ms. Kramer then spent significant time drafting, editing, and  
5 negotiating the terms of the long-form settlement agreement, which went through numerous  
6 rounds of competing edits between the Parties. She also reviewed and edited the Settlement  
7 Notice, notice to the Court regarding settlement, and other settlement-related items. Along with  
8 myself, Ms. Kramer drafted and edited Plaintiffs' Motion for Preliminary Approval and  
9 supporting papers. Following preliminary approval, Ms. Kramer assisted the settlement  
10 administrator in finalizing and effectuating distribution of the class notice, fielded phone calls  
11 from Class Members, and reviewed weekly reports from settlement administrator Angeion.

12       17. **Julie Erickson:** I billed a total of 230.8 hours in this case, which amounts to a  
13 lodestar of \$173,100. I conducted legal research regarding the elements of Plaintiffs' various  
14 claims and drafted background memos and performed other pre-filing investigation, including  
15 researching and conferring with potential experts regarding Plaintiffs' claims. Alongside Mr.  
16 Osborne, I was responsible for much of the legal research and writing related to the two rounds  
17 of motions to dismiss and prepared for and appeared on behalf of Plaintiffs, along with Mr.  
18 Osborne, at the hearings on those motions. In connection with mediation and settlement, I  
19 reviewed and provided comprehensive edits to the settlement agreement and class notice. I also  
20 researched and drafted Plaintiffs' Motion for Preliminary Approval, Motion for Final Approval,  
21 and Motion for Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service  
22 Awards.  
23

24       18. Copies of detailed timesheets and expenses are proprietary, but they will be made  
25 available for the Court's review upon request.

26       19. Of all hours worked on this case by EKO's attorneys, there was little to no  
27 duplication of effort, as we divided up the work as noted into discrete tasks. For all hours  
28 worked, including by me, I exercised my discretion to cut hours where I felt time was non-

1 compensable or exceeded what was reasonably necessary to accomplish the task in question. I  
 2 have reduced some of my time for meetings with co-counsel, where I felt our time in talking  
 3 jointly, for example, may have been duplicative. We consciously assigned work to be done as  
 4 efficiently and effectively as possible in accordance with our respective skills, expertise, and  
 5 availability. I believe this division of effort contributed to efficiently obtaining the settlement  
 6 reached between the parties.

7 20. Additional attorney hours will be necessary to complete the final approval process  
 8 and ensure proper administration of the Settlement. This future work is not reflected in the  
 9 lodestar before the court.

10 21. My firm has not received any compensation for the hours we have worked on this  
 11 case. Working without compensation on a large case for this time has had a negative financial  
 12 impact on the economic health of my practice. This is not stated as a complaint, but for the  
 13 Court's consideration in determining an appropriate attorney fee award.

14 22. The Settlement EKO reached in this matter is one that provide substantial value to  
 15 the Plaintiffs and the Class. The proposed Settlement provides four components of benefits to the  
 16 Settlement Class.

- 17 a. First, Robinhood agrees to provide cash payments up to \$260 each to all settlement  
 18 class members who submit a claim, up to a total amount of \$500,000.
- 19 b. Second, Robinhood agrees to provide two years of credit monitoring services to all  
 20 settlement class members who elect to activate it. The service will provide up to  
 21 \$1,000,000 of identity theft insurance coverage, daily monitoring of 50 leading  
 22 indicators of identity theft, alerts, customer support, fraud resolution, and  
 23 educational resources. While an identical product/service is not available for retail  
 24 purchase, based on research and consultation with defense counsel, Experian's  
 25 IdentityWorks Premium product, which retails for \$19.99/month, provides nearly the  
 26 same features. (See [https://www.experian.com/consumer-products/compare-identity-](https://www.experian.com/consumer-products/compare-identity-theft-products.html#comparison-table)  
 27 [theft-products.html#comparison-table](https://www.experian.com/consumer-products/compare-identity-theft-products.html#comparison-table)) (last visited June 30, 2022). Using this  
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1 valuation, the total value of the two years of credit monitoring provided under the  
 2 Settlement is \$480 per claimant.

- 3 c. Third, Robinhood agrees to maintain improvements to its security protocols and  
 4 policies to decrease the risk of unauthorized access to its customers' accounts, and to  
 5 respond effectively to instances of potential unauthorized access. Robinhood will  
 6 maintain these new procedures for a minimum of 18 months and Class Counsel will  
 7 have standing to seek relief from the Court if Robinhood fails to comply.
- 8 d. Finally, the Settlement provides a process by which those Settlement Class Members  
 9 whose claims of unauthorized account access were denied by Robinhood or who did  
 10 not respond to Robinhood's requests for information concerning their claim can re-  
 11 submit their claim of unauthorized access to Robinhood and request reimbursement.  
 12 If, upon additional review, Robinhood determines there was unauthorized account  
 13 activity in a customer's account, Robinhood will provide the customer the same  
 14 remedy as if the report been accepted in the first instance.

#### 15 **Litigation Expenses**

16 23. To date, my firm has incurred \$15,460.00 in litigation expenses, which consists of  
 17 mediation fees, expert costs, legal research, and other customary litigation expenses. These costs  
 18 are detailed in **Exhibit 2**.

#### 19 **Service Awards**

20 24. Class Counsel also requests that the Court approve service awards to named  
 21 Plaintiffs Kevin Qian and Michael Furtado in the amount of \$5,000 each, also to be paid  
 22 separately by Robinhood, to acknowledge the benefits they conferred on the Class. S.A. § 6.2.  
 23 Mr. Qian and Mr. Furtado assisted counsel with their investigation of the case and preparation of  
 24 the complaints. They participated in discovery, including responding to Rule 34 document  
 25 requests and Rule 33 interrogatories, and, in connection with the mediation, provided detailed  
 26 information regarding the alleged unauthorized access to their Robinhood accounts and the  
 27 associated damages they incurred. Mr. Qian and Mr. Furtado also maintained regular contact  
 28

1 with Class Counsel to monitor the progress of the litigation and provide feedback on the  
2 proposed Settlement. They do not have any conflicts of interest with the putative class, as their  
3 claims are coextensive with those of the putative class members.

4 I declare under the penalty of perjury under the laws of the United States that the  
5 foregoing is true and correct.

6  
7 Dated this 17th day of March, 2023.

8  
9 /s/ Julie C. Erickson

10 Julie C. Erickson  
11 Attorneys for Siddharth Mehta, Kevin Qian,  
12 and Michael Furtado  
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**ATTESTATION**

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

/s/ Elizabeth A. Kramer  
Elizabeth A. Kramer

# **Exhibit 1**

## **Erickson Kramer Osborne LLP Firm Resume**





## Firm Resume

44 Tehama St | San Francisco, California 94105

415-635-0631

[www.eko.law](http://www.eko.law)

## Firm Resume

Erickson Kramer Osborne LLP is a class action law firm based in San Francisco, California. We are built to protect and fight for the principles of marketplace and workplace justice through class and collective action. Our cases regularly garner national and international media attention. In the last year, EKO's cases have been spotlighted in the Wall Street Journal, Barron's, Bloomberg, the Los Angeles Times, the New York Times, the Washington Post, and NPR's Marketplace. Our attorneys are recognized as among the most skilled in complex litigation and trial advocacy by the National Trial Lawyers, the National Law Journal, Thompson Reuters Super Lawyers, Best Lawyers in America, and others.

Our firm focuses on class and collective actions involving financial fraud, consumer protection, workers' rights, sexual abuse, and privacy. We are among the most successful firms in our field, reaching settlements totaling nearly \$100 million in the last two years. We are also thought leaders in our field. EKO attorneys include law school faculty and legal non-profit board members. We frequently author articles published in legal journals and present at legal education conferences. We have been interviewed for pieces on cryptocurrency litigation, workers' rights in the gig economy, and general class action litigation.

## Representative Matters

EKO's attorneys have litigated and tried high-stakes, high-profile cases in state and federal courts. The following matters are representative of our firm and our attorneys' work. These include matters litigated by EKO's founders since launching EKO in 2020 and in the years prior when they worked at firms that were among the most prestigious in the country.

### Banking & Financial Fraud

*Ward v. Prime Trust*, No. 2:22-cv-02034 (D. Nev.): Case filed against "trust" company serving the cryptocurrency investment sector based on allegations of improperly denying requests by investors to redeem digital tokens for cash, despite a fiduciary obligation to do so. The matter is currently pending before Hon. Andrew P. Gordon.

Stablecoin Litigation (*Pearl v. Coinbase, Inc.*, No. 3:22-cv-03561 (N.D. Cal.); *Donovan v. Coinbase, Inc.*, No. 4:22-cv-02826 (N.D. Cal.); and *Nguyen v. Okcoin*, No. 4:22-cv-06022 (N.D. Cal.): Series of cases alleging cryptocurrency exchanges made false and misleading claims regarding the marketing and sale of so-called "stablecoin." EKO partner Elizabeth Kramer was interviewed by the Wall Street Journal in relation to her work on the cases. The matters are currently in arbitration.

*In re Oppenheimer Rochester Funds Securities Litigation (CA Fund)*, No. 09-md-02063 (D. Colo.): Municipal bond funds litigation alleging violations of federal securities laws arising from false and misleading statements regarding levels of risk inconsistent with claimed strategies and objectives. Settlement in 2015 for over \$50 million approved by Hon. John L. Kane.

*Carducci v. Wachovia Bank, NA*, No. 4:11-cv-00181 (N.D. Cal.): Truth in Lending Act class action on behalf of borrowers from across the western United States alleging improper assessment of late payment fees. \$10 million settlement approved by Hon. Phyllis Hamilton in 2012.

## Julie Erickson

Partner  
julie@eko.law



**Julie Erickson** is a founding partner and trial attorney at EKO. Over the last decade, she has litigated and tried cases in state and federal court, argued in the Ninth Circuit Court of Appeals, and been named Outstanding New Lawyer of the Year by the San Francisco Trial Lawyers Association. In 2021, the Daily Journal referred to her as “a tough, tough attorney.” In addition to her work with EKO, Julie is an adjunct professor at the University of San Francisco School of Law and a member of the San Francisco Trial Lawyers Women’s Caucus Committee.

### Recognition

- + Top Rated Class Action & Mass Torts Attorney in San Francisco, Super Lawyers
- + Top 10 Wage & Hour Trial Lawyers in California, The National Trial Lawyers
- + Outstanding New Lawyer of the Year, San Francisco Trial Lawyers Association
- + Top 40 Under 40, The National Trial Lawyers
- + Rising Star, Super Lawyers, Northern California

*Confidential Margin Call Litigation*: Private venture capitalist alleged investment broker failed to comply with internal policies and FINRA rules when it liquidated various options positions exceeding \$4 million during the March 2020 financial panic. The parties reached a settlement in 2021.

### Privacy

*Mehta v. Robinhood Financial LLC*, No. 5:21-cv-01013 (N.D. Cal.): Data breach litigation against exchange alleging failure to secure accounts, resulting in the liquidation and theft of security and cryptocurrency investments. Bloomberg, Barron’s, and other media outlets covered the matter. After plaintiffs defeated two motions to dismiss, the parties reached a settlement and the matter is now pending before Hon. Susan Van Keulen.

*In re Lenovo Adware Consumer Fraud Litigation*, No. 4:15-md-02624 (N.D. Cal.): Privacy and consumer protection class action alleging technology company placed software on its computers that threatened customer privacy, account security, and product performance. The case resulted in an \$8 million settlement approved by Hon. Haywood Gilliam.

*Fraley v. Facebook, Inc.*, No. 3:11-cv-01726 (N.D. Cal.): Privacy litigation against social media company for misappropriating the names and likenesses of approximately 125,000,000 users. Hon. Lucy Koh denied defendant’s motion to dismiss and Hon. Richard Seeborg approved the subsequent \$20 million settlement (later successfully defended before the Ninth Circuit). Forbes and other media outlets covered the matter. Above The Law described the scope of the settlement as including “most of America.”

### Consumer & Abuse Survivor Cases

*Egbert v. U.S. Olympic & Paralympic Committee*, No. (D. Colo.): Case representing Paralympic swimmers in claims against sexual predator and U.S. Olympic & Paralympic governing bodies alleging sexual abuse of numerous disabled athletes, garnering coverage from the Washington Post and New York Times. The matter is pending before Regina M. Rodriguez.

*Bow v. Suddenlink*, No. TCU21-7785 (Nevada County Superior Court): Injunctive relief case against internet service provider alleging deceptive advertising. Plaintiffs successfully argued to the Eastern District of California, Hon. Troy Nunley, that the matter could not be compelled to arbitration and must be remanded to state court under the California Supreme Court’s ruling in *McGill v. CitiBank, NA*. The case is resolved.

*Debono v. Cerebral Inc.*, No. 3:22-cv-03378 (N.D. Cal.):

## Elizabeth Kramer

Partner  
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**Elizabeth Kramer** is a founding partner and trial attorney at EKO. She works at the cutting edge of class action litigation. In the last 3 years, she has been a central figure in some of the largest sexual abuse class actions ever, including serving as lead counsel in litigation against USC (\$215 million settlement) and against UCLA (\$73 million settlement). The Daily Journal described her role as “a very active and important voice in the settlement process.” Jason Ingber’s Outside the Courtroom podcast referred to her as “the Queen of Class Actions.” She is also a leader in the field of FinTech litigation, as the primary attorney in cases against Robinhood and Coinbase and has been interviewed by the Wall Street Journal regarding the rise of cryptocurrency litigation.

### Recognition

- + Elite Trailblazer, National Law Journal
- + Top Rated Civil Litigation Attorney in San Francisco, Super Lawyers
- + Rising Star, Super Lawyers, Northern California
- + Top 40 Under 40, National Trial Lawyers
- + Best Lawyers in America

Consumer class action on behalf of patients seeking treatment through mental health app, misled by deceptive marketing. The case has been covered by Forbes and is currently pending before Hon. Alex Tse.

*Heredia v. Sunrise Senior Living LLC*, No. 8:18-cv-01974 (C.D. Cal.): Elder abuse litigation on behalf over 2,000 resident patients of assisted living facilities. Plaintiffs were granted class certification in November 2021 by Hon. Josephine Staton. The matter is ongoing.

*A.B. v. Regents of University of California*, No. 2:20-cv-09555 (C.D. Cal.): Class action on behalf thousands of sexual abuse survivors at a UCLA medical clinic. In 2021, Hon. Gary Klausner approved a \$73 million settlement. The Los Angeles Times, the Washington Post, the New York Times, and several other media outlets covered the matter, often quoting EKO’s Elizabeth Kramer as a part of their coverage.

*In re USC Student Health Center Sexual Abuse Litigation*, No. 2:18-cv-04258 (C.D. Cal.): Class action on behalf of students and alumni survivors of sexual assault at a USC medical clinic. The case resulted in a \$215 million settlement fund for the benefit the survivors, which was approved by Hon. Stephen Wilson in 2019.

*Harrington v. Blue Shield*, No. 14-004800 (San Francisco Superior Court) & *Felser v. Blue Cross*, No. BC550739 (Los Angeles Superior Court): State court class actions on behalf of consumers who purchased health plans under the Affordable Care Act through insurers and were misled into thinking the insurance would cover their desired doctors and hospitals. The Los Angeles Times and Reuters both reported on the matters. The cases resulted in \$23 million and \$18 million settlements, respectively.

*In re HP Printer Firmware Update Consumer Fraud Litigation*, No. 5:16-cv-05820 (N.D. Cal.): Class action alleging HP transmits online updates to printers rendering competitors’ ink cartridges incompatible. The case resulted in a \$1.5 million settlement that was approved by in 2019 by Hon. Edward Davila.

### Workers’ Rights

*Minix v. Sutter Health*, No. RG20061295 (Alameda County Superior Court): Class action on behalf of workers exposed to harmful cleaning chemicals in California medical facilities. The case has been covered by the Sacramento Bee, among other media outlets, and is currently pending.

## Kevin Osborne

Partner  
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**Kevin Osborne** is a founding partner and trial attorney at EKO. He has tried countless cases to verdict in jury trials, arbitrations, administrative hearings, and criminal proceedings on behalf of the Department of Justice. He has over a decade of experience in privacy litigation, having argued the case of *Frale v. Facebook, Inc.*, and was the primary attorney in the *Mehta v. Robinhood Financial LLC* data breach litigation. Kevin has been interviewed by NPR's Marketplace, Out of the Courtroom, Bloomberg, and various other media outlets on issues from cryptocurrency investors' rights to labor unionization efforts. He is published in Forum Magazine, Plaintiff's Magazine, Just Security, and other journals and periodicals. He is also on the board of the Alexander Community Law Center at Santa Clara Law.

### Recognition

- + Top 100 Plaintiff Lawyers, National Trial Lawyers
- + Trial Lawyer of the Year Nominee, San Francisco Trial Lawyers
- + Top 100 Lawyers in California, National Trial Lawyers
- + Top Rated Class Action and Mass Torts Attorney in San Francisco, Super Lawyers

*Torres v. North Pacific Seafoods, Inc.*, No. 2:20-cv-01545 (W.D. Wa.): Worker safety and wage claim on behalf of seafood processors in Alaska. The Seattle Times, which interviewed EKO attorney Kevin Osborne, referred to worker conditions as "Kafkaesque." The case was resolved for \$1.9 million. Hon. James Robart issued an order stating, "Class Counsel delivered excellent results for the Class."

*Camp v. Instacart*, No. BC652216 (Los Angeles County Superior Court): Independent contractor misclassification class action in California state court against app-based grocery delivery service. Time Magazine reported on the case's impact on the gig economy. After being compelled to arbitration, Plaintiffs filed dozens of claims, eventually leveraging a \$6.25 million class-wide settlement.

*Zamudio v. Home Depot USA, Inc.*, No. 05-446984 (San Francisco Superior Court): Workers' rights class suit on behalf of misclassified carpet installers resulted in an \$8 million settlement reached in California state court.

*Matias v. Star-J Trucking*, No. (Alameda County Superior Court): Port of Oakland worker trial after truck collision resulting in \$1+ million jury verdict in California state court.

*Frias v. California Materials*, No. (San Joaquin County Superior Court): Highway worker injury litigation in California state court against asphalt delivery trucking company resulting in \$2+ million trial verdict.

### Other Class and Mass Tort Actions

*In Re: Generic Pharms. Pricing Antitrust Case*, No. MDL 2724 (E.D. Penn.): Ongoing antitrust litigation involving several of the country's largest pharmaceutical makers. The case has been covered by national and international media and was the subject of a 60 Minutes feature.

*In Re Ghost Ship Fire Litigation*, No. RG16843631 (Alameda County Superior Court): Warehouse fire resulting in over 30 fatalities. The litigation resulted in a \$33+ million settlement and additional undisclosed settlement funds. The litigation was covered extensively by the San Francisco Chronicle, the New York Times, Rolling Stone Magazine, and other national and international media outlets.

*Banco de México v. Orient Fisheries, Inc.*, No. 2:07-cv-07043 (C.D. Cal.): Claims by the central bank of Mexico against a cross-border seafood processor and importer. Case resolved after plaintiff prevailed on \$16 million summary judgment regarding defendant's obligations under a put option contract.

## **Exhibit 2**

### **Detailed Lodestar & Litigation Expenses**



**Erickson Kramer Osborne LLP**

## Detailed Lodestar &amp; Litigation Expenses

Mehta, et al. v. Robinhood Financial LLC, et al., Case No. 21-cv-01013-SVK

<b>Timekeeper</b>	<b>Title</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Lodestar</b>
Kevin Osborne	Partner	346.3	\$850	\$294,355
Elizabeth Kramer	Partner	246.9	\$750	\$185,175
Julie Erickson	Partner	230.8	\$750	\$173,100
	<b>Total Hours</b>	<b>824</b>	<b>Total Lodestar</b>	<b>\$652,630</b>

<b>Category</b>	<b>Kevin Osborne</b>	<b>Elizabeth Kramer</b>	<b>Julie Erickson</b>
Category 1 (Legal Research, Case Review, and Memos)	32.6 hours	7.7 hours	15 hours
Category 2 (Discovery Work, Document Review & File Organization)	26.6 hours	63.8 hours	3.4 hours
Category 3 (Communication, Strategy Meetings and Working Groups with Plaintiffs' Counsel)	7.8 hours	19.2 hours	12.3 hours
Category 4 (Correspondence & Meetings with Class Reps)	9.4 hours	10.2 hours	0.3 hours
Category 5 (Correspondence with Experts and Other Non-party Individuals)	23.6 hours	1.6 hours	6.9 hours
Category 6 (Depositions and Exhibit Preparations)	4 hours	0 hours	0 hours
Category 7 (Drafting, Filing, Order Review, and Motion Preparation)	127.7 hours	32.1 hours	149.5 hours
Category 8 (Appearances and Related Preparation)	16.5 hours	0 hours	12.4 hours
Category 9 (Mediation, Settlement, and Related Preparation)	95.5 hours	106 hours	26.2 hours
Category 10 (Meet & Confer and Other Correspondence with Defendant)	2.6 hours	6.3 hours	3.8 hours

**Litigation Expenses: \$15,460**

<b>Category</b>	<b>Expense</b>
Experts	\$5,707.75
Mediation	\$7,475.00
Filings and mailings	\$2,037.49
Legal research	\$239.76
<b>Total</b>	<b>\$15,460.00</b>