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KING COUNTY
SUPERIOR COURT CLERK
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CASE #: 25-2-04060-7 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

BENJAMIN FITCH, JORDAN ARONSON, and KATHRYN ROYSE, individually and on behalf of all others similarly situated, Plaintiffs, v. SEATTLE PUBLIC SCHOOLS, a Washington school district; FEDERAL WAY PUBLIC SCHOOLS, a Washington school district; and DOES 1-20, as yet unknown Washington entities, Defendants.	Case No. 25-2-04060-7 SEA **DECLARATION OF CLASS COUNSEL IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

1. I, M. Anderson Berry, along with attorneys Brook E. Garberding, and Gregory Haroutunian of Emery Reddy, PC are Class Counsel ("Plaintiffs' Counsel") in the above captioned case. I have personal knowledge of the facts in this declaration and could testify to them if called on to do so. The firm resume of Emery Reddy, PC was previously filed as Exhibit 1 to the Declaration of M. Anderson Berry in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement on July 21, 2026.

2. Plaintiffs' Counsel have extensive experience in litigation, certification, trial, and settlement of consumer class-actions, and data breach litigation specifically. Plaintiffs' Counsel have recovered millions of dollars for the classes they represented in dozens of cases. In negotiating this Settlement, Plaintiffs' Counsel had the benefit of years of experience and a familiarity with the facts of this Action as well as with other data breach cases. We are informed

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and believe Defendants' counsel are also highly experienced in this type of litigation.

3. After becoming aware of the Data Security Incident, Plaintiffs Fitch and Aronson filed the first Class Action Complaint in the Superior Court of the State of Washington, County of King, against Defendants Seattle Public Schools ("SPS") and Carruth Compliance Consulting, Inc. ("CCC"), Case No. 25-2-04060-7 SEA. On March 20, 2025, Plaintiffs Fitch, Aronson, and Royse filed the First Amended Class Action Complaint against SPS, CCC, and Federal Way Public Schools ("FWPS").

4. On March 31, 2025, CCC declared bankruptcy under Chapter 11 of the United States Bankruptcy Code and this matter was removed to the United States Bankruptcy Court for the Western District of Washington ("Bankruptcy Court") on June 26, 2025. On July 28, 2025, Plaintiffs noticed dismissal of all claims against CCC and subsequently, on July 30, 2025, Plaintiffs filed their Second Amended Class Action Complaint (the "Complaint") against SPS and FWPS in the Bankruptcy Court, Case No. 2:25-ap-01079-CM.

5. On December 9, 2025, pursuant to a determination of lack of subject matter jurisdiction, the Bankruptcy Court issued an order remanding this matter back to King County Superior Court. On January 27, 2026, Plaintiffs filed a Notice of Remand with this Court.

6. In the Complaint, Plaintiffs alleged, among other things, that Defendants failed to adequately protect their Private Information in accordance with their duties and did not maintain reasonable data security measures as required by law. Defendants deny: (i) the allegations and all liability with respect to facts and claims alleged in the Complaint; (ii) that the Class Representatives in the Complaint and the class they purport to represent have suffered any damages; and (iii) that the action brought in the Complaint satisfies the requirements to be certified or tried as a class action under CR 23. Nonetheless, the Parties concluded that further litigation would be protracted and expensive, and that it was desirable that the Action be fully and finally settled in the manner and upon the terms and conditions set forth in the Settlement Agreement.

7. Following filing of the First Class Action Complaint, Class Counsel and

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Defendants began discussing the prospect of early exchanges of data and background information with an eye towards potential resolution of this action. Once information was exchanged, the Parties then discussed potential settlement.

8. Following extensive arm's-length negotiations, the general terms of a settlement were negotiated, and the Parties reached an agreement ("Settlement Agreement") to settle this action. Class Counsel also contacted several well-known claims administrators to obtain bids for providing notice and claims administration. The terms of the Settlement Agreement were finalized on April 19, 2026, and this Court preliminarily approved the Parties' Settlement Agreement and Release ("Settlement Agreement") on August 4, 2026.

9. Through October 16, 2026, Plaintiffs' Counsel has devoted more than 162.9 hours to the investigation, litigation, and resolution of this complex case, incurring more than $137,754.40 in lodestar. Plaintiffs' Counsel maintained contemporaneous records of their time and expenses. These records are prepared and maintained in the ordinary course of business through software systems maintained by Counsel's firm. This represents a lodestar multiplier of approximately .73.

10. Plaintiffs' Counsel's time was spent investigating the claims of Plaintiffs and Class Members, litigating procedural issues, conducting informal discovery, researching and analyzing legal issues, engaging in extensive settlement negotiations, drafting settlement papers, and moving for preliminary approval.

11. This time does not include time spent drafting the Motion for Final Approval of Class Action Settlement, which will be filed in the coming weeks, Plaintiffs' Counsel will spend additional time drafting their reply in support of their Motion for Final Approval, preparing for and attending the Final Approval Hearing, defending any appeals taken from the final judgment approving the Settlement, and ensuring that the claims process and distribution of Settlement proceeds to Class Members is done in a timely manner in accordance with the terms of the Settlement. Based upon past experience, we estimate that another 50–100 hours of attorney time will be reasonably expended on this matter.

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12. Throughout this litigation, Plaintiffs' Counsel prosecuted the claims at issue efficiently and effectively.

13. Plaintiffs' Counsel prosecuted this case on a purely contingent basis. As such, the firms involved assumed a significant risk of nonpayment or underpayment. This matter has required our firm to spend time on this litigation that could have been spent on other matters. Such time could otherwise have been spent on other fee-generating work. Because Plaintiffs' Counsel undertook representation of this matter on a contingency-fee basis, we shouldered the risk of expending substantial costs and time in litigating the action without any monetary gain in the event of an adverse judgment.

14. Litigation is inherently unpredictable and therefore risky. Here, that risk was very real, due to the rapidly evolving nature of case law pertaining to data breach litigation, and the state of data privacy law. Moreover, the risks of prosecuting this case and pursuing it through contested class certification and trial were heightened by the fact that Plaintiffs' Counsel faced a prominent and experienced data privacy defense firms, Baker Hostetler and Shook, Hardy & Bacon. Therefore, despite Plaintiffs' Counsel's devotion to the case and our confidence in the claims alleged against Defendant, there have been many factors beyond our control that posed significant risks.

15. Plaintiffs' Counsel's fees were not guaranteed—the retainer agreements counsel had with Plaintiffs did not provide for fees apart from those earned on a contingent basis, and, in the case of class settlement, approved by the court.

16. I assert that the attorneys' fees sought in the motion for attorneys' fees are reasonable and seek fair and reasonable compensation for undertaking this case on a contingency basis, and for obtaining the relief for Plaintiffs and the Class.

17. Plaintiffs' Counsel also incurred out-of-pocket costs totaling $1,468.69 for expenses related to filing fees, , legal research, investigation, and administrative costs such as copying, mailing, and messenger expenses.

18. Additional costs and expenses may be incurred before our work is done in this

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case, as is true of the additional services which we will provide to the Class.

19. Additionally, Class Counsel has requested service awards in the amount of $5,000.00 per Settlement Class Representative. The requested awards are modest under the circumstances and well in line with awards approved by state and federal courts in Washington and elsewhere. The requested service awards here will compensate the Settlement Class Representatives for their time and effort in stepping forward to serve as class representatives, assisting in the investigation, keeping abreast of the litigation, and reviewing and approving the proposed Settlement terms after consulting with Plaintiffs' Counsel. Indeed, without Plaintiffs efforts to support litigating this matter, the Class would not have been able to recover anything. Moreover, by associating their names with the prosecution of this action, Settlement Class Representatives have borne a certain risk that other Class Members did not have to bear and placed themselves under public scrutiny for the ultimate benefit of the Class.

* * *

I declare under penalty of perjury of the laws of the state of California and the United States that the foregoing is true of my own personal knowledge. Executed on October 19, 2026, in Fair Oaks, California.

/s/ M. Anderson Berry
M. Anderson Berry
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