E-FILED
08-11-2026, 15:56
Scott G. Weber, Clerk
Clark County

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

In re: Clark County Data Security Litigation	Lead Case No. 25-2-02214-06 DECLARATION OF CLASS COUNSEL IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS

1. I, M. Anderson Berry, am appointed Class Counsel in the above captioned case. Additional counsel of record for Plaintiffs include Kaleigh N. Boyd, Kristen L. Cardoso, and Leigh S. Montgomery (herein unless otherwise noted counsel of record are "Plaintiffs' Counsel"). I have personal knowledge of the facts in this declaration and could testify to them if called on to do so. Firm resumes of Emery Reddy, PC; McNaul Ebel PLLC; Kopelowitz Ostrow P.A., and EKSM LLP were previously submitted in connection with Plaintiffs' Motion for Preliminary Approval of Class Action Settlement.

2. Plaintiffs' Counsel have extensive experience in litigation, certification, trial, and settlement of consumer class-actions, and data breach litigation specifically. There are few, if any, firms in the nation with the expertise of Plaintiffs' Counsel in these types of cases. 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 and believe Defendants' counsel are also highly experienced in this type of litigation.

EMERY | REDDY, PC
600 Stewart Street, Suite 1100
Seattle, WA 98101
PHONE: (206) 442-9106 • FAX: (206) 441-9711

3. After becoming aware of the Data Security Incident, Plaintiffs filed two class action lawsuits ("Actions") including *Reese v. Clark County, Washington*., No. 25-2-02214-06, and *Hardwick v. Clark County, Washington.,* No. 25-2-02218-06. The Court consolidated these actions on July 18, 2025.

4. On September 5, 2025, Plaintiffs filed their Consolidated Class Action Complaint ("CCAC"). *Id*. In the CCAC, 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 CCAC; (ii) that the Class Representatives in the CCAC and the class they purport to represent have suffered any damage; and (iii) that the action brought in the CCAC 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.

5. Following filing of the CCAC, Class Counsel and 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. The Parties ultimately scheduled and attended mediation on December 17, 2025, with experienced class action mediator Judge Ronald B. Leighton (Ret.).

6. Before the mediation, the Parties exchanged detailed mediation statements outlining the Parties' respective positions concerning liability and class certification. During the mediation, after numerous rounds of back-and-forth negotiations, the general terms of a settlement were negotiated and finalized to resolve the Litigation.

7. Thereafter, the Parties continued to negotiate the finer details of the Settlement and worked together to draft the Settlement Agreement and Notice documents. 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 March 24, 2026.

EMERY | REDDY, PC
600 Stewart Street, Suite 1100
Seattle, WA 98101
PHONE: (206) 442-9106 • FAX: (206) 441-9711

8. Through August 10, 2026, counsel for Plaintiffs named in the Consolidated Complaint ("Plaintiffs' Counsel") devoted more than 271.5 hours to the investigation, litigation, and resolution of this complex case, incurring more than $212,313.5 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 each Counsel's respective firm. This represents a lodestar multiplier of approximately 1.26.

9. 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.

10. The below chart identifies the firms responsible for the total number of common benefit hours committed to the litigation and expended on behalf of the Class through August 10, 2026.

LODESTAR	Hours	Total Fees
McNaul Ebel PLLC[1]	30.4	$22,851
Emery Reddy, PC[2]	188.7	$151,436
Kopelowitz Ostrow P.A.	14.7	$13,965
EKSM, LLP	37.7	$24,062
TOTAL	**271.5**	**$212,314**

11. This time does not include time spent drafting the Motion for Final Approval of Class Action Settlement, which is being filed at the same time as this Motion for Attorneys' Fees. After this Motion is filed, Plaintiffs' Counsel will spend additional time drafting their reply in

[1] While this Litigation was pending, Kaleigh N. Boyd joined McNaul Ebel PLLC. The time reflected in this table is inclusive of both McNaul Ebel PLLC's time and expenses and Ms. Boyd's former law firm's time and expenses.
[2] While this Litigation was pending, M. Anderson Berry and his litigation team joined Emery Reddy, PC. The time reflected in this table is inclusive of both Emery Reddy, PC's time and expenses and Mr. Berry's former law firm's time and expenses.

EMERY | REDDY, PC
600 Stewart Street, Suite 1100
Seattle, WA 98101
PHONE: (206) 442-9106 • FAX: (206) 441-9711

support of their Motion for Final Approval, preparing for and attending the Final Approval Hearing, defending any appeals taken from the final judgment approving 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.

12. Throughout this litigation, Plaintiffs' Counsel prosecuted the claims at issue efficiently and effectively, making every effort to prevent the duplication of work that might have resulted from having multiple firms working on this case absent experienced leadership.

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 firms 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 firm, Mullen Coughlin, LLC. 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

EMERY | REDDY, PC
600 Stewart Street, Suite 1100
Seattle, WA 98101
PHONE: (206) 442-9106 • FAX: (206) 441-9711

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 $5,649.42 for expenses related to filing fees, mediation fees, legal research, investigation, and administrative costs such as copying, mailing, and messenger expenses.

COSTS	
McNaul Ebel PLLC	$78.00
Emery Reddy, PC	$4,841.12
EKSM, LLP	$730.30
TOTAL	**$5,649.12**

18. Additional costs and expenses may be incurred before our work is done in this 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 August 11, 2026, in Fair Oaks, California.

EMERY | REDDY, PC
600 Stewart Street, Suite 1100
Seattle, WA 98101
PHONE: (206) 442-9106 • FAX: (206) 441-9711

M. Anderson Berry
EMERY REDDY, PC

EMERY | REDDY, PC
600 Stewart Street, Suite 1100
Seattle, WA 98101
PHONE: (206) 442-9106 • FAX: (206) 441-9711

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August 2026, I caused to be served in the manner indicated below, a true and accurate copy of the foregoing by the method indicated below and addressed to the following:

Leigh S. Montgomery* Texas Bar No. 24052214 lmontgomery@eksm.com **EKSM, LLP** 4200 Montrose Blvd., Suite 200 Houston, Texas 77006 Phone: (888) 350-3931 Fax: (888) 276-3455 Service Only: service@eksm.com *Counsel for Plaintiffs*	Sent via EMAIL ONLY
Kaleigh N. Boyd, WSBA No. 52684 **MCNAUL EBEL PLLC** 600 University Street, Suite 2700 Seattle, WA 98101 Phone: (206) 467-1816 Email: kboyd@mcnaul.com *Counsel for Plaintiffs*	Sent via EMAIL ONLY
Jeff Ostrow Kristen Lake Cardoso **KOPELOWITZ OSTROW FERGUSON WEISELBERG GILBERT** One West Las Olas Blvd., Suite 500 Fort Lauderdale, Florida 33301 Phone: (954) 525-4100 Fax: (954) 525-4300 Email: ostrow@kolawyers.com Email: cardoso@kolawyers.com *Counsel for Plaintiffs*	Sent via EMAIL ONLY
Nicholas Larson, WSBA No. 46034 MURPHY PEARSON BRADLEY & FEENY, P.C. 520 Pike Street, Suite 1205 Seattle, WA 98101 nlarson@MPBF.com *Counsel for Defendant*	Sent via EMAIL ONLY

Amanda N. Harvey Jacob H. Lisogorsky **MULLEN COUGHLIN, LLC** 1452 Hughes Road, Suite 200 Grapevine, TX 76051 aharvey@mullen.law jlisogorsky@mullen.law Tel: (267) 930-1697 *Counsel for Defendant*	Sent via EMAIL ONLY

DATED this 11th day of August 2026.

Bianca E. Marentes

Bianca E. Marentes, Paralegal