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In re Maryville Data Breach Litigation

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: GLOUCESTER COUNTY

MASTER FILE: GLO-L-000255-24

NOTICE OF MOTION

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To: All Counsel of Record

COUNSELOR:

PLEASE TAKE NOTICE that on Friday, July 3, 2025 the undersigned attorneys for Plaintiffs, will move before the Superior Court of New Jersey, Law Division, Gloucester County, at the Courthouse, 1 North Broad Street, Floor 3 Woodbury, New Jersey 08096, for an Order, in accordance with R.4:32-2(h): awarding attorneys' fees, litigation costs and expenses and approval of Service Awards in connection with the proposed class action settlement entered into with Defendant Maryville, Inc. d/b/a Maryville Addiction Treatment Center's ("Maryville" or "Defendant").

Dated: June 9, 2025

Respectfully submitted,

/s/ Philip J. Furia
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**Pro Hac Vice Forthcoming*

*Attorneys for Plaintiffs, individually and on
behalf of all others similarly situated*

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: GLOUCESTER COUNTY

In re Maryville Data Breach Litigation

MASTER FILE: GLO-L-000255-24

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[PROPOSED] ORDER

THIS MATTER having come before the Court by Sultzer & Lipari, PLLC, attorneys for Plaintiffs for an order awarding attorneys’ fees, litigation costs and expenses and approval of Service Awards in connection with the proposed class action settlement entered into with Defendant Maryville, Inc. d/b/a Maryville Addiction Treatment Center’s (“Maryville” or “Defendant”) and the Court having read and considered the papers submitted, and for good cause shown;

IT IS on this _____ day of July, 2025;

ORDERED as follows:

1. Plaintiffs’ counsel are awarded attorneys’ fees amounting to \$316,666.66, and reasonable litigation costs amounting to \$7,455.02;
2. Plaintiffs are awarded a Service Award of \$4,500 for each named Plaintiff (for a total of \$36,000); and
3. A copy of this Order shall be served upon all counsel of record, via E-Courts, within seven (7) days from the date of receipt by counsel for Plaintiff.

HON. TIMOTHY W. CHELL, J.S.C

OPPOSED
UNOPPOSED

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-----X SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: GLOUCESTER COUNTY

In re Maryville Data Breach Litigation

MASTER FILE: GLO-L-000255-24

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**JOINT DECLARATION OF PLAINTIFFS’ COUNSEL IN SUPPORT OF PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES, EXPENSES, AND SERVICE AWARDS**

1. We are counsel of record for the named Representative Plaintiffs and the conditionally certified Settlement Class in the above captioned data breach class action against Defendant Maryville, Inc. d/b/a Maryville Addiction Treatment Center’s (“Maryville” or “Defendant”).

2. We submit this declaration in Support of Plaintiffs’ Motion for Attorneys’ Fees, Expenses and Service Awards.

3. We serve as Class Counsel for Plaintiffs and oversaw the prosecution of the entire action. Settlement Class Counsel undertook this action on a contingent fee basis, meaning that to date we have received no payment for our services. We also advanced all litigation expenses, and to date have not received reimbursement for these from any source. Further, our agreements with our clients provided that we would not charge them for fees or expenses in the event of an unsuccessful outcome. Settlement Class Counsel carefully tracks all time spent and expenses incurred in this matter. These records (including, where necessary, backup documentation) have

been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time and expenses expended in this litigation. As a result of this review, the time reflected in Settlement Class Counsel's lodestar calculation and the expenses for which payment is sought are reasonable in amount and were necessary to prosecute the action and resolve the Settlement before the Court.

4. This matter is a putative class action arising from data breach Incidents whereby an unauthorized third-party gained access to Maryville's data environment twice; once in August 2023 Incident (the "2023 Incident") and another in May 2024 (the "2024 Incident"). These Security Incidents resulting in potential exfiltration of former and current patients' personally identifying information and personal health information (together, "Private Information"). The Data Incident impacted approximately 27,681 individuals.

5. Prior to commencing this action, Settlement Class Counsel spent many hours investigating the claims against Maryville. Settlement Class Counsel's factual and legal investigation included gathering information about the types of information compromised in the Data Incident, as well as a review of existing legal authority regarding potential legal claims.

6. Following receiving notices regarding the 2023 Security Incident, Plaintiff Samantha Gulite commenced this litigation, individually and on behalf of a putative class. Plaintiff Justin Hill, Ryan Mulligan and Plaintiff Jeffrey Ortiz filed their own respective class action cases arising from the same 2023 Data Incident shortly after.

7. On April 5, 2024, Plaintiffs moved to consolidate their actions, which was granted by the Court. Plaintiffs subsequently filed a Consolidated Complaint in this action on May 20, 2024.

8. In May 2024, Maryville experienced the 2024 Security Incident. Maryville began notifying individuals whose information was found within the account on October 11, 2024.

9. On October 21, 2024, Plaintiff Phillip Garrity, individually and on behalf of a putative class, filed an action against Maryville arising out of the 2024 Incident in the United States District Court for the District of New Jersey. Shortly after, Plaintiff Brian Schubert and Plaintiff Rebecca Amato filed their own respective class action cases arising from the same 2024 Data Incident.

10. The Parties began the discovery process and met and conferred regarding both data incidents. Defendant denies any wrongdoing or legal liability and asserts it has valid defenses to each claim made by Plaintiffs.

11. Despite the Parties' respective positions, on October 21, 2024, the Parties mediated all claims arising out of both data incidents before Hon. Joel Schneider (Ret.).

12. The Parties continued settlement discussions after the mediation, and reached an agreement in principle on December 9, 2024, following substantial negotiations and advocacy by counsel on behalf of the Parties, as memorialized in the Settlement Agreement.

13. On January 6, 2025, Plaintiffs amended the *Gulite* Consolidated Complaint to add the claims arising from the 2024 Incident, retitled *In re Maryville Data Breach Litigation*, Case No. GLO-L-000255-24 ("Second Amended Consolidated Complaint"). Plaintiffs Garrity, Schubert, and Amato subsequently dismissed their respective complaints.

14. Settlement Class Counsel thereafter drafted and filed the unopposed Motion for Preliminary Approval, which the Court granted on April 7, 2025.

15. Since the Court granted Preliminary Approval, Settlement Class Counsel has worked with Angeion to implement the notice program and has been fielding inquiries from

Settlement Class Members who are interested in learning more about the Settlement. Settlement Class Counsel anticipates spending a significant amount of time in the coming weeks drafting and filing the Motion for Final Approval; responding to and compiling objections and opt-outs (if any); preparing for and attending the Final Approval Hearing; as well as handling all post-settlement work and claim administration and distribution.

16. To date, the Settlement Administrator has received no objections and no exclusion requests.

17. Set forth below are summaries reflecting the amount of time (after any applicable reductions) Settlement Class Counsel, including their firms' attorneys and professional staff worked on the action, and the corresponding lodestar value of that work. The schedules in ¶ 19 were prepared based upon daily time records maintained by Settlement Class Counsel in the ordinary course of business, and the lodestar calculations are based on the firms' current hourly billing rates.

18. The services Settlement Class Counsel performed on behalf of the Settlement Class include, but are not limited to the following: consulting with the representative Plaintiffs; investigating the claims and drafting and editing the class action complaints, including the operative complaint; reviewing and analyzing information produced by Mayville; drafting Plaintiffs' mediation statement and actively participating in mediation; negotiating, drafting, and finalizing the proposed class action settlement agreement and related exhibits; soliciting bids from settlement administration firms and working with the chosen administrator to implement the Notice program; drafting and filing the Motion for Preliminary Approval; and responding to Settlement Class Member inquiries about the Settlement.

19. The total time for which Settlement Class counsel is requesting an award of legal fees is 315.1 hours, the total lodestar value of these professional services is \$222,965.00. The hourly rates for attorneys working on the Litigation ranged from \$400.00 to \$1,050.00 and the paralegal hourly rate ranged from \$225.00 to \$385.00.

20. This lodestar figure does not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in the firm's current billing rates. Further, expense items are for out-of-pocket costs only and do not contain any general overhead costs, nor do they contain a surcharge over the amount paid by Settlement Class counsel.

21. Settlement Class counsel incurred \$7,455.02 expenses that were reasonably necessary to the prosecution of this litigation. Settlement Class counsel's expenses for which it seeks reimbursement consists primarily of the mediation fee, as well as filing fees, online research fees, and minimal travel expenses.

22. The expenses for which Settlement Class Counsel seeks reimbursement are a reasonable amount and were necessary for the effective and efficient prosecution of this action. The expenses submitted are of a type normally charged to and paid by fee-paying clients.

23. The above hourly rates for Settlement Class Counsel's attorneys and professional support staff are the firm's current hourly rates or the firm's equivalent rate for the biller as of their last date of employment. The hourly rates for attorneys and professional support staff of Settlement Class Counsel are the same as the regular rates charged for their services in hourly and contingent fee matters.

24. Based on the ratio of the lodestar and expenses to the \$230,420.02 combined fee and expense, Settlement Class Counsel's fee request amounts to a multiple of approximately 1.4x their total lodestar to date.

25. The representative Plaintiffs performed valuable services for members of the Settlement Class by bringing his claims to Settlement Class Counsel for investigation, agreeing to serve as the Representative Plaintiffs, reviewing the complaints, including the operative complaint, remaining available to consult with Settlement Class Counsel when necessary regarding the progress of the litigation, reviewing the progress of the litigation and approving the settlement on behalf of the Class.

26. As demonstrated by Settlement Class Counsel's Firm Resumes, attached as Exhibits A-E hereto, Settlement Class Counsel have extensive experience in consumer class action litigation, including data breach litigation such as this one.

Respectfully submitted,

By: /s/ Philip J. Furia

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: GLOUCESTER COUNTY

In re Maryville Data Breach Litigation

MASTER FILE: GLO-L-000255-24

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**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS’ MOTION FOR
ATTORNEYS’ FEES, EXPENSES, AND SERVICE AWARDS**

Plaintiffs Samantha Gulite, Justin Hill, Ryan Mulligan, Jeffrey Ortiz, Joseph Stockum, Phillip Garrity, Brian Schubert, and Rebecca Amato (“Plaintiffs”), individually and on behalf of all others similarly situated, respectfully move this Court for an award of attorneys’ fees, litigation costs and expenses and approval of Service Awards¹ in connection with the proposed class action settlement entered into with Defendant Maryville, Inc. d/b/a Maryville Addiction Treatment Center’s (“Maryville” or “Defendant”). The Court preliminary approved the Settlement on April 7, 2025.

Settlement Class Counsel vigorously and efficiently prosecuted this action and was able to achieve an excellent result for the Settlement Class without expending unnecessary time or resources. Under the Settlement, Maryville will pay a non-reversionary common fund in the amount of \$950,000.00 to settle the claims of Plaintiffs and Settlement Class Members. SA ¶ 38. The Settlement Agreement provides Settlement Class Members with meaningful monetary relief.

¹ Unless otherwise defined herein, all capitalized terms have the same definitions as those set forth in the proposed Settlement Agreement (“Settlement Agreement” or “SA”)

Pursuant to the Settlement, Maryville has agreed to pay: (1) up to five thousand (\$5,000) dollars for reimbursement of documented monetary losses that are fairly traceable to the Maryville Data Security Incidents, (2) two years of Credit Monitoring Services from one of the three major credit bureaus, and (3) compensation for up to 4 hours of lost time at \$25.00/hour (\$100 total cap) for time spent mitigating the effects of the Data Incidents. SA ¶ 54. Defendant has also made assurances that it has either as undertaken or will undertake certain reasonable steps to further secure its systems and environment. *Id.* Significantly, these business practice enhancements are implemented separate and apart from the Settlement Fund. *Id.*

After reaching agreement on the substantive terms of the Settlement, the Parties were also able to negotiate an agreement on attorneys' fees and expenses, Service Awards, and Claims Administration. Under the Settlement, Settlement Class Counsel may seek one-third of the settlement fund (\$316,666.66) in attorneys' fees plus reasonable litigation costs and expenses of up to \$20,000, subject to Court-approval; a Service Award of \$4,500 for each named Plaintiff (for a total of \$36,000), subject to Court- approval; along with all Costs of Claims Administration. SA ¶¶ 38, 89, 91. Settlement Class Counsel's lodestar is approximately \$222,965.00 and expenses are \$7,455.02; this represents a multiplier of approximately 1.4, which supports the reasonableness of the requested fee award.

As explained in more detail below, the requested fee is reasonable when considered under the applicable New Jersey and Third Circuit standards, particularly in view of the substantial risks of pursuing this litigation, considerable litigation efforts, and results achieved for the Settlement Class. Finally, the requested Service Awards for the representative Plaintiffs are reasonably modest, customary and warranted to compensate them for their participation in this Litigation on behalf of the Settlement Class. For these reasons, and those discussed below, Plaintiffs respectfully

request that the Court grant the motion.

SUMMARY OF SETTLEMENT CLASS COUNSEL'S WORK

Prior to commencing this action, Settlement Class Counsel spent many hours investigating the claims against Maryville. *See* Declaration in Support of Plaintiffs' Motion for Approval of Attorneys' Fees, Expenses, and Service Awards ("Fee Decl.") ¶ 5. Settlement Class Counsel's factual and legal investigation included gathering information about the type of information compromised in the Incident as well as a review of existing legal authority regarding potential claims. *Id.* A great deal of work was performed before the Complaint was filed. *Id.* This information was essential to Settlement Class Counsel's ability to understand the nature of Maryville's conduct and the potential relief and remedies for the Settlement Class.

The 2023 Incident occurred in August 2023. *See* Declaration in Support of Plaintiffs' Motion for Preliminary Approval ("MPA decl.") ¶ 2. Maryville began notifying individuals whose information was found within the account on February 20, 2024. *Id.* On March 1, 2024, Plaintiff Samantha Gulite commenced this litigation, individually and on behalf of a putative class. *Id.* ¶ 3.

On March 8, 2024, Plaintiff Justin Hill, individually and on behalf of a putative class, filed an action against Maryville in the Superior Court of New Jersey, Law Division, Gloucester County, titled *Justin Hill v. Maryville, Inc.*, Case No. GLO-L-000295-24. *Id.* ¶ 4. On March 13, 2024, Plaintiff Ryan Mulligan, individually and on behalf of a putative class, filed an action against Maryville in the Superior Court of New Jersey, Law Division, Gloucester County, titled *Ryan Mulligan v. Maryville, Inc.*, Case No. GLO-L-000320-24. *Id.* ¶ 5. On March 15, 2024, Plaintiff Jeffrey Ortiz, individually and on behalf of a putative class, filed an action against Maryville in the Superior Court of New Jersey, Law Division, Gloucester County, titled *Jeffrey Ortiz v. Maryville, Inc.*, Case No. GLO-L-000346-24. *Id.* ¶ 6.

Plaintiffs moved to consolidate their actions arising from the 2023 Incident on April 5, 2024, which was granted by the Court. Plaintiffs subsequently filed a Consolidated Complaint in this action on May 20, 2024. *Id.* ¶ 7.

The 2024 Incident occurred in May 2024. Maryville began notifying individuals whose information was found within the account on October 11, 2024. *Id.* ¶ 2.

On October 21, 2024, Plaintiff Phillip Garrity, individually and on behalf of a putative class, filed an action against Maryville arising out of the 2024 Incident in the United States District Court for the District of New Jersey, titled *Phillip Garrity v. Maryville, Inc.*, Case No. 1:24-cv-09967. *Id.* ¶ 8.

On October 31, 2024, Plaintiff Brian Schubert, individually and on behalf of a putative class filed an action against Maryville arising out of the 2024 Incident in the Superior Court of New Jersey, Law Division, Atlantic County, titled *Brian Schubert v. Maryville, Inc.*, Case No. ATL-L-002219-24. This matter was subsequently transferred to the Superior Court of New Jersey, Law Division, Cape May County, Case No. CPM-L-000479-24. *Id.* ¶ 9.

On November 22, 2024, Plaintiff Rebecca Amato, individually and on behalf of a putative class filed an action against Maryville arising out of the 2024 Incident in the Superior Court of New Jersey, Law Division, Gloucester County, titled *Rebecca Amato v. Maryville, Inc.*, Case No. GLO-L-001496-24. *Id.* ¶ 10.

The Parties began the discovery process and met and conferred regarding both data incidents. *Id.* ¶ 11. Defendant denies any wrongdoing or legal liability and asserts it has valid defenses to each claim made by Plaintiffs. Despite the Parties' respective positions, on October 21, 2024, the Parties mediated all claims arising out of both data incidents before Hon. Joel Schneider (Ret.). *Id.* ¶ 12. The Parties continued settlement discussions after the mediation, and

reached an agreement in principle on December 9, 2024, following substantial negotiations and advocacy by counsel on behalf of the Parties, as memorialized in the Settlement Agreement. *Id.*

On January 6, 2025, Plaintiffs amended the *Gulite* Consolidated Complaint to add the claims arising from the 2024 Incident, retitled *In re Maryville Data Breach Litigation*, Case No. GLO-L-000255-24 (“Second Amended Consolidated Complaint”). The *Garrity*, *Schubert*, and *Amato* Complaints were subsequently dismissed. *Id.* ¶ 13.

On January 28, 2025, the parties informed the court of an agreement in principle regarding the settlement of all claims relating to the Data Security Incidents.

The Parties then worked towards drafting and finalizing the Settlement Agreement. Fee Decl., ¶ 12. During this time, Settlement Class Counsel solicited bids from settlement administration firms and the Parties agreed that Angeion would serve as the Settlement Administration. *Id.* ¶ 15. The Parties continued drafting and finalizing the Settlement Agreement and proposed exhibits and the Settlement Agreement was later executed by all Parties. Thereafter, Settlement Class Counsel drafted and filed the unopposed Motion for Preliminary Approval which was subsequently approved on April 7, 2025. *Id.* ¶ 14. Afterwards, Settlement Class Counsel worked with the chosen administrator (Angeion) to implement the Notice program. *Id.* ¶ 15.

ARGUMENT

I. STANDARD OF REVIEW

Pursuant to R. 4:32-2(h), and consistent with its corollary in federal court, Federal Rule of Civil Procedure 23(h), the Court “may award reasonable attorney’s fees and nontaxable costs that are authorized by law or by the parties’ agreement.” *See* R. 4:32-2(h), and FRCP 23(h). New Jersey courts, as well as courts in the Third Circuit have approved two methods to calculate appropriate attorneys’ fees in class action settlements—the lodestar method and the percentage-of-recovery method. *See Sutter v. Horizon Blue Cross Blue Shield of N.J.*, 2012 WL 2813813, at

*5 (N.J. Super. Ct. App. Div. July 11, 2012); *In re AT&T Corp., Sec. Litig.*, 455 F.3d 160, 164 (3d Cir. 2006); *Dewey v. Volkswagen Aktiengesellschaft*, 558 F. App'x 191, 196-97 (3d Cir. 2014) (“Both federal law and New Jersey law permit courts to apply the percentage-of-recovery method in class actions where attorney’s fees flow from a ‘common fund’ shared by plaintiffs.”). The ultimate determination of the proper amount of attorneys’ fees rests within the sound discretion of the court based on the facts of the case. *In re Ins. Brokerage Antitrust Litig.*, 579 F.3d 241, 280 (3d Cir. 2009). As explained below, the use of the percentage-of-recovery method is appropriate in this case, and in any event, the reasonableness of the fee request is fully supported by a lodestar cross-check, indicating that the fee should be approved regardless of the method used by the Court.

II. THE COURT SHOULD AWARD A REASONABLE PERCENTAGE OF THE COMMON FUND

The Supreme Court has long recognized that a lawyer who obtains a recovery “for the benefit of persons other than himself or his client is entitled to a reasonable attorney’s fee from the fund as a whole.” *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). In the Third Circuit, the percentage-of-recovery is generally favored in cases involving a settlement that creates a common fund. *See Glaberson v. Comcast Corp.*, Civil Action No. 03-6604, 2015 WL 5582251, at*11 (E.D. Pa. Sept. 22, 2015) (“The Third Circuit favors the percentage-of-recovery method of calculating fee awards in common fund cases. Courts within the Third Circuit and elsewhere routinely use this method in antitrust class actions.”) (collecting cases). “Courts use the percentage of recovery method in common fund cases on the theory that the class would be unjustly enriched if it did not compensate the counsel responsible for generating the valuable fund bestowed on the class.” *In re Gen. Motors Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768, 821 (3d Cir. 1995).

III. THE REQUESTED ATTORNEYS' FEES ARE REASONABLE

A. The Requested Fee is Reasonable Under the Percentage-of-Recovery Method

The combined fee and expense request of one-third of the total settlement fund is reasonable under the percentage-of-the-recovery method. While no general rule exists, in the Third Circuit “[i]n common fund cases, fee awards generally range from 19% to 45% of the settlement fund.” *Rose v. Travelers Home & Marine Ins. Co.*, No. CV 19-977, 2020 WL 4059613, at *11 (E.D. Pa. July 20, 2020) (citing *In re Cendant Corp. Litig.*, 264 F.3d 201, 736 (3d Cir. 2001)); *see also General Motors*, 55 F.3d at 822 (same); *Galt v. Eagleville Hosp.*, 310 F. Supp. 3d 483, 498 (E.D. Pa. 2018) (“fee awards ranging from 30% to 43% have been awarded in cases with funds ranging from \$400,000 to \$6.5 million”).

Considering the percentage of the request, Settlement Class Counsel’s combined fee and expense request of one-third of the total settlement fund falls squarely within the range of awards that courts have granted in other data breach cases. *See e.g., Thomsen v. Morley Companies, Inc.*, No. 1:22-CV-10271, 2023 WL 3437802, at *2 (E.D. Mich. May 12, 2023) (awarding fee award of 33% in a data breach class action settlement was “presumptively reasonable”); *Stoll v. Musculoskeletal Inst.*, No. 8:20-CV-1798-CEH-AAS, 2022 WL 16927150, at *3 (M.D. Fla. July 27, 2022), *report and recommendation adopted sub nom. Stoll v. Musculoskeletal Inst., Chartered*, No. 8:20-CV-1798-CEH-AAS, 2022 WL 16923698 (M.D. Fla. Nov. 14, 2022) (awarding fee award of 33% in a data breach class action settlement resolving claims against a medical provider following a ransomware attack).

B. The Requested Fee is Also Reasonable Under the Lodestar Method

The Third Circuit has recommended that courts crosscheck the reasonableness of the attorneys’ fees request using the lodestar method. *Gunter*, 223 F.3d at 195 n.1. “The purpose of the cross-check is to ensure that the percentage approach does not result in an ‘extraordinary’

lodestar multiple or windfall.” *Whiteley*, 2021 WL 4206696, at *13 (quoting *Cendant*, 264 F.3d at 285). The Third Circuit has stated that a lodestar cross-check entails an abridged lodestar analysis that requires neither “mathematical precision nor bean counting.” *In re Rite Aid*, 396 F.3d at 305. The Court need not receive or review actual billing records when conducting this analysis. *Id.* at 307.

Under the lodestar method, a court begins the process of determining the reasonable fee by calculating the “lodestar,” *i.e.*, the “number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *McKenna v. City of Phila.*, 582 F.3d 447, 455 (3d Cir. 2009). Once the lodestar is determined, the court must then decide whether additional adjustments are appropriate. *Id.* A reasonable hourly rate in the lodestar calculation is “[g]enerally . . . calculated according to the prevailing market rates in the relevant community,” taking into account “the experience and skill of the . . . attorney and compar[ing] their rates to the rates prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation.” *Maldonado v. Houstoun*, 256 F.3d 181, 184 (3d Cir. 2001). The prevailing market rate is usually deemed reasonable. *Pub. Interest Research Grp. v. Windall*, 51 F.3d 1179, 1185 (3d Cir. 1995).

As of the date of this filing, Settlement Class Counsel spent 315.1 hours litigating this action, producing a lodestar amount of \$222,965.00 based on standard currently hourly attorney rates that range from \$400.00 to \$1,050.00.² *See* Fee Decl. ¶ 19. Summaries of the number of hours expended by attorneys and staff are provided in the Fee Declaration. *See id.*

² The Supreme Court and other courts have held that the use of current rates is proper since such rates compensate for inflation and the loss of use of funds. *See Mo. v. Jenkins by Agyei*, 491 U.S. 274, 283–84 (1989); *In re Schering-Plough Corp. Enhance Sec. Litig.*, No. CIV.A. 08-2177 DMC, 2013 WL 5505744, at *33 n.28 (D.N.J. Oct. 1, 2013) (citing *Jenkins*, 491 U.S. at 283–88).

The reasonableness of Settlement Class Counsel’s rates is supported by the Fee Declaration, which establishes that the rates are the same as their standard hourly rates charged to paying clients on non-contingent matters and are in accord with the prevailing rates for class action and complex commercial litigation in the relevant legal markets where the principal attorneys are respectively located, and in consideration of the fact that all Class Counsel maintain a national practice. *Id.* ¶¶ 19-24; See also *New Berry, Inc. v. Smith*, No. CV 18-1024, 2021 WL 5332165, at *2 (W.D. Pa. Nov. 15, 2021) (“The best evidence of a prevailing market rate is counsel’s customary billing rate.”); *Animal Legal Def. Fund v. Lucas*, No. CV 2:19-40, 2021 WL 4479483, at *1 (W.D. Pa. Sept. 30, 2021) (“[T]he attorney’s normal billing rate is an appropriate baseline for assessing the reasonableness of the rate requested.”). Further, Settlement Class Counsel’s rates are within the ranges that have been approved by this Court when overseeing other class settlements. See *Remicade*, 2023 WL 2530418 (approving hourly rates between \$115 to \$1,325); *Cigna-Am. Specialty*, 2019 WL 4082946, at *15 (approving hourly rates between \$175 and \$995); *Viropharma*, 2016 WL 312108, at *18 (approving hourly rates ranging from \$350 to \$925). Given Settlement Class Counsel’s experience, work, and the complex and relatively specialized nature of this litigation, these rates are reasonable.

Settlement Class Counsel in this Litigation have submitted summaries of the number of hours expended by attorneys and staff and descriptions of the type of work each firm performed. Fee Decl. ¶¶ 19-21. The hours billed were spent preparing and filing the aforementioned complaints in relation to Maryville’s August 2023 and May 2024 Security Incidents, including the operative complaint; reviewing and analyzing information provided by Maryville regarding the Incident; preparing for and participating in mediation; negotiating, drafting, and finalizing the Settlement and related exhibits; soliciting bids from settlement administration firms and working with the chosen

Administrator (Angeion) to implement the notice program; and drafting and filing the Motion for Preliminary Approval. *Id.* ¶ 18. The tasks performed are typical in litigation and were necessary to the successful prosecution and resolution of the claims against Maryville. *See Id.* ¶ 22.

The combined requested total attorneys' fees of \$316,666.66 represents a multiplier of approximately 1.4 of Settlement class Counsel's lodestar. Courts often approve fees in class actions that correspond to multiplies of one to four times the lodestar. *See, e.g., Prudential*, 148 F.3d at 341 ("Multiples ranging from one to four are frequently awarded in common fund cases when the lodestar method is applied") (internal citation omitted); *Martin v. Foster Wheeler Energy Corp.*, No. 3:06-CV-0878, 2008 WL 906472, at *8 (M.D. Pa. Mar. 31, 2008) ("Lodestar multiples of less than four (4) are well within the range awarded by district courts in the Third Circuit.").

Given the quality of Settlement Class Counsel's work and the results achieved here, the lodestar cross-check supports the reasonableness of the requested fee.

IV. THE REQUESTED ATTORNEYS' FEES ARE FAIR AND REASONABLE BASED ON CONSIDERATION OF THE FACTORS SET FORTH IN *GUNTER* AND RPC 1.5

In assessing the reasonableness of a request for attorneys' fees under the percentage-of-recovery method, Courts in New Jersey and the Third Circuit consider the following factors:

- (1) the size of the fund created and the number of persons benefitted;
- (2) the presence or absence of substantial objections by members of the class to the settlement terms and/or the fees requested by counsel;
- (3) the skill and efficiency of the attorneys involved;
- (4) the complexity and duration of the litigation;
- (5) the risk of nonpayment;
- (6) the amount of time devoted to the case by counsel; and
- (7) awards in similar cases.

Gunter v. Ridgewood Energy Corp., 223 F.3d 190, 195 n.1 (3d Cir. 2000); *see also Sutter v. Horizon Blue Cross Blue Shield of N.J.*, 2012 WL 2813813, at *5 (N.J. Super. Ct. App. Div.

July 11, 2012) (applying *Gunter* factors); *Cerbo v. Ford of Englewood, Inc.*, 2006 WL 177586, at *25 (N.J. Super. Ct. Law Div. Jan. 26, 2006) (same). Courts also generally consider three additional factors:

(8) [T]he value of benefits attributable to the efforts of class counsel relative to the efforts of other groups, such as government agencies conducting investigations, (9) the percentage fee that would have been negotiated had the case been subject to a private contingent fee arrangement at the time counsel was retained, and (10) any innovative terms of settlement.

In re Diet Drug, 582 F.3d 524, 541 (3d Cir. 2009) (citing *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 338 (3d Cir. 1998). “The fee award reasonableness factors need not be applied in a formulaic way because each case is different, and in certain cases, one factor may outweigh the rest.” *In re AT & T Corp.*, 455 F.3d 160, 166 (3d Cir. 2006) (internal quotations and citations omitted).

In addition, attorneys’ fees requests should also be reviewed for reasonableness under the factors set forth in New Jersey Rule of Professional Conduct 1.5(a). A review of these factors as well as the *Gunter/Prudential* factors confirms that Settlement Class Counsel’s requested fees are reasonable.

A. The Size and Nature of the Common Fund Created and Number of Persons Benefited by the Settlement.

In awarding fees, the “most critical factor” for the Court to weigh is “the degree of success obtained.” *In re Viropharma Inc. Sec. Litig.*, 2016 WL 312108, at *16 (E.D. Pa. Jan. 25, 2016) (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 436 (1983)). To assess this factor courts, consider [] the fee request in comparison to the size of the fund created and the number of class members to be benefited.” *In re Remicade Antitrust Litig.*, No. 17-CV-04326, 2023 WL 2530418, at *24 (E.D. Pa. Mar. 15, 2023) (citation omitted).

Here, the Settlement provides up to \$950,000.00 in monetary relief to a class consisting of approximately 27,681 individuals, compensating Settlement Class Members for the exposure of their Private Information. This relief that would not have been obtained absent this action and Settlement Class Counsel's diligent efforts. Obtaining the \$950,000.00 settlement fund is a significant recovery for the Settlement Class Members. All Settlement Class Members can submit claims for up to \$100.00 for time spent and out-of-pocket monetary losses related to the Incident for up to \$5,000.00, as well as free credit monitoring. The claims period is still open to date, and claims are still being submitted and processed.

The Settlement accomplished here compares favorably if not better with settlements in similar data breach actions. *See e.g., Davidson et al. v. Healthgrades Operating Company, Inc.*, No. 21-cv-01250-RBJ (D. Col. 2022); *Mowery v. Saint Francis Healthcare Sys.*, No. 1:20-cv-00013-SPC (E.D. Mo. Dec. 22, 2020); *Katz et al. v. Einstein Healthcare Network*, Case No. 210402045 (Phila. C.P.); *Hozza v. PrimoHoagies Franchising, Inc.*, No. 1:20-cv-04966-RMB (D.N.J. 2022).

B. The Absence of Objections to the Settlement and Requested Fee.

The deadline for Settlement Class Members to object to or opt-out of the Settlement is June 21, 2025. *See* Preliminary Approval Order ¶ 9. The Settlement Administrator has implemented the Court-approved Notice program, sending out the Notice to the Settlement Class Members and creating the Settlement Website and toll-free assistance number. The Notice apprised Settlement Class Members that Settlement Class Counsel would seek attorneys' fees and litigation costs and expenses in a combined amount of up to one-third of the maximum total settlement fund. The Notice also advised settlement Class Members how and when to object to or opt out of the Settlement. To date, the Settlement Administrator has received no objections and no exclusion requests. Fee Decl. ¶ 16.

Thus, this factor to date weighs heavily in favor of Settlement Class Counsel's fee request. *See High St. Rehab., LLC v. Am. Specialty Health Inc.*, 2019 WL 4140784, at *4 (E.D. Pa. Aug. 29, 2019) ("A low number of objectors or opt-outs is persuasive evidence of the proposed settlement's fairness and adequacy.").

C. The Skill and Efficiency of Attorneys Involved.

The third *Gunter* factor is measured by the "quality of the result achieved, the difficulties faced, the speed and efficiency of the recovery, the standing, experience and expertise of counsel, the skill and professionalism with which counsel prosecuted the case and the performance and quality of opposing counsel." *Viropharma*, 2016 WL 312108, at *16 (citation omitted). Here, these considerations support the reasonableness of Settlement Class Counsel's fee request.

Settlement Class Counsel have extensive and significant experience in the field of class action litigation and have significant experience in litigating data breach class actions, such as the current action. As set forth in both the Motion for Preliminary Approval and the Declaration in Support of Plaintiffs' Motion for Preliminary Approval, Settlement Class Counsel are highly experienced attorneys in this type of litigation, with a strong track record of obtaining favorable resolutions in cases such as this one. Fee Decl. ¶ 26. Indeed, the favorable Settlement obtained here is attributable, in large part to the diligence, determination, hard work, and skill of Settlement Class Counsel. Recognizing the time and expense it would take to litigate this case past both summary judgment and class certification, and the inherent risk those procedural stages pose, Settlement Class Counsel worked diligently to resolve this action, all while providing an immediate benefit to the Settlement Class Members.

The quality and vigor of opposing counsel is also relevant in evaluating the quality of the services rendered by Settlement Class Counsel. *See Remicade*, 2023 WL 2530418, at *25. Here Maryville was represented by undeniably experienced and skilled attorneys at the nationally

recognized law firm, Mullen Coughlin LLC. The ability of Settlement Class Counsel to obtain a favorable outcome for the Settlement Class in the face of formidable legal opposition further confirms the quality of Settlement Class Counsel's representation and supports the reasonableness of the requested fee award.

D. The Complexity and Duration of the Litigation.

As in many data breach class action cases, Plaintiffs faced numerous defenses to liability and damages. There is no assurance that Plaintiffs would have prevailed at the various stages including motion to dismiss, summary judgment or class certification. *See Enslin v. Coca-Cola Co.*, 739 F. App'x 91 (3d Cir. 2018) (affirming grant of summary judgment in defendant's favor where former employee failed to establish the employer's alleged a breach of contract caused a compromise of his accounts with internet retailers); *Memorandum Opinion and Order, Attias, et al. v. Carefirst, Inc., et al.*, Case No. 1:15-cv-00882-CRC (D.D.C. Mar. 28, 2023) (ECF No. 100) (denying class certification in a data breach case); *McGlenn v. Driveline Retail Merch., Inc.*, 2021 WL 165121, at *1 (C.D. Ill. Jan. 19, 2021) (same). Indeed, data breach and privacy cases have been found by courts to be complex and involving novel issues of law. *See, e.g., In re Anthem, Inc. Data Breach Litig.*, 327 F.R.D. 299, 315, 317 (N.D. Cal. 2018); *In re LinkedIn User Priv. Litig.*, 309 F.R.D. 573, 587 (N.D. Cal. 2015); *In re Sonic Corp. Customer Data Sec. Breach Litig.*, 2019 WL 3773737, at *6 (N.D. Ohio Aug. 12, 2019) ("The realm of data breach litigation is complex and largely undeveloped. It would present the parties and the Court with novel questions of law."). In short, this was not a simple case with a clear path to liability and judgment and this litigation could have proceeded for several years had it not settled. Nonetheless, Settlement Class Counsel worked diligently to achieve a significant result for the Settlement Class in the face of very real litigation risks. Accordingly, this favor supports the reasonableness of the requested fee award.

E. The Risk of Non-Payment.

“Courts routinely recognize the risk created by undertaking an action on a contingency fee basis militates in favor of approval.” *Whiteley v. Zynerva Pharms., Inc.*, CIVIL ACTION NO. 19-4959, 2021 WL 4206696, at *12 (E.D. Pa. Sept. 16, 2021). Settlement Class Counsel undertook this action on an entirely contingent fee basis, shouldering the risk that this litigation would yield no recovery and leave them wholly uncompensated for their time, as well as for their out-of-pocket expenses. Fee Decl. ¶ 3. To date, settlement Class Counsel has not been paid anything for their efforts. As such, a dispositive ruling at any stage of this litigation could have meant a zero recovery for members of the Settlement Class, as well as non-payment for Settlement Class Counsel. Maryville likely would have asserted several substantive defenses that could have eliminated any possibility of recovery for the Settlement Class, as well as non-payment for Settlement Class Counsel. Indeed, had this case not resolved when it did, Plaintiffs likely would have faced a litany of dispositive motions, including but not limited to a motion to dismiss and a motion for summary judgment on their individual claims. Thus, this factor weighs in favor of Settlement Class Counsel’s fee request.

F. The Amount of Time Devoted to the Litigation by Plaintiffs’ Counsel.

Settlement Class Counsel have received no compensation for their efforts during the course of this Litigation. They risked non-payment of over \$7,455.02 in out-of-pocket expenses and the nearly 315.1 hours they worked on this Litigation, knowing that if their efforts were not successful, no fee would be paid. Fee Decl. ¶¶ 3, 19-21. Settlement Class Counsel vigorously litigated this action, including, the time spent in the initial investigation of the case; preparing and filing the operative class action complaint; reviewing and analyzing documents information provided by Maryville; preparing for and participating in mediation; negotiating, drafting, and finalizing the

Settlement and related exhibits; soliciting bids from settlement administration firms and working with the chosen administrator to implement the notice program; and drafting and filing the Motion for Preliminary Approval. Fee Decl. ¶ 18. At all times, Settlement Class Counsel conducted their work with skill and efficiency, conserving resources and avoiding duplication of effort.

The foregoing unquestionably represents a substantial commitment of time, personnel, and out-of-pocket expenses by Settlement Counsel, while taking on the substantial risk of recovering nothing for their efforts. The financial risk to Settlement Class Counsel was significant. This factor thus supports the Settlement Class Counsel's requested fee award.

G. The Request Is Comparable to Awards in Similar Cases.

As demonstrated above in *supra*, Argument § II, the request of one-third of the total settlement fund to cover the time and out-of-pocket expenses of settlement Class Counsel is well within the range of fees awarded in this Circuit and in comparable data breach cases. Accordingly, this factor supports the reasonableness of the requested fee.

H. The Settlement Benefits are Attributable Solely to the Effects of Settlement Class Counsel.

The Third Circuit has advised courts to examine whether counsel has benefited from a governmental investigation or enforcement action concerning the alleged wrongdoing, because this can indicate whether or not counsel should be given full credit for obtaining the value of the settlement fund for the class. *See Prudential*, 148 F.3d at 338. That is not the case here. Settlement Class Counsel alone initiated this action and have been actively litigating this action themselves without assistance from the government or any third parties. Thus, this factor supports the requested fee. *See Harshbarger v. Penn Mut. Life Ins. Co.*, No. CV 12-6172, 2017 WL 6525783, at *5 (E.D. Pa. Dec. 20, 2017) (“Because Class Counsel were the only ones pursuing the claims at issue in this case, this factor weighs in favor of approval”).

I. The Percentage of the Fee Approximates the Fee that Would Have Been Negotiated in the Private Market.

Both RPC 1.5(a) and the Third Circuit advise that the requested fee should also be compared to “the percentage fee that would have been negotiated had the case been subject to a private [non-class] contingent fee agreement.” *AT&T*, 455 at 165; RPC 1.5(a)(3) and (a)(8). Here, Settlement Class Counsel’s requested one-third of the total settlement fund is commensurate with customary percentages in private contingent fee agreements. *See Boone v. City of Philadelphia*, 668 F. Supp. 2d 693, 714 (E.D. Pa. 2009) (explaining that the median attorneys’ fee award in class actions is one-third, or 33%); *see also In re Ins. Brokerage Antitrust Litig.*, 297 F.R.D. 136, 156 (D.N.J. 2013) (“Attorneys regularly contract for contingent fees between 30% and 40% with their clients in non-class, commercial litigation.”).

J. Innovative Terms of the Settlement.

The Settlement provides all Settlement Class Members with the opportunity to enroll in two years of credit monitoring services. S.A. ¶ 54(ii). This is an innovative term that allows Settlement Class Members to ensure that their identities are protective in the future, and directly addresses the harm claimed in the operative complaint.

On the balance, the *Gunter/Prudential* factors demonstrate that Settlement Class Counsel’s requested fee is reasonable, and therefore, should be approved.

V. CLASS COUNSEL’S APPLICATION FOR REASONABLY INCURRED LITIGATION COSTS AND EXPENSES

“Counsel in common fund cases is entitled to reimbursement of expenses that were adequately documented and reasonably and appropriately incurred in the prosecution of the case.” *O’Hern v. Vida Longevity Fund, LP*, No. CV 21-402-SRF, 2023 WL 3204044, at *10 (D. Del. May 2, 2023). Settlement Class Counsel seeks reimbursement of \$7,455.02 for the reasonable

expenses incurred by Settlement Class Counsel to advance this litigation (exclusive of costs of notice and settlement administration, which will also be paid by Maryville). These expenses are outlined in the Fee Declaration submitted concurrently herewith. *See* Fee Decl.

As explained above, Settlement Class Counsel diligently prosecuted this action, investigated the data security Incident, actively participated in negotiations with Defendant, actively participated in mediation, and thoroughly worked to achieve this Settlement. The expenses are costs associated with prosecuting the action including filing fees, online research fees, and minimal travel expenses. Fee Decl. ¶ 21. In sum, the expenses Settlement Class Counsel incurred while prosecuting this Litigation amount to \$7,455.02. *See* Fee Decl. ¶ 24. These expenses are typical in litigation, were necessary to the successful prosecution and resolution of the claims against Maryville and should be approved.

VI. THE REQUESTED SERVICE AWARD IS REASONABLE

Incentive awards are “not uncommon in class action litigation and particularly where, as here, a common fund has been created for the benefit of the entire class.” *McDonough v. Toys R Us, Inc.*, 80 F. Supp. 3d 626, 665 (E.D. Pa. 2015) (quotations omitted). Generally, “[c]ourts routinely approve incentive awards to compensate named plaintiffs for the services they provided and the risks they incurred during the course of the class action litigation.” *Cullen v. Whitman Med. Corp.*, 197 F.R.D. 136, 145 (E.D. Pa. 2000) (quotation omitted). Factors courts consider when deciding to give incentive awards include “the risk to the plaintiff in commencing litigation, both financially and otherwise; the notoriety and/or personal difficulties encountered by the representative plaintiff; the extent of the plaintiff’s personal involvement in the lawsuit in terms of discovery responsibilities and/or testimony at depositions or trial; the duration of the litigation; and the plaintiff’s personal benefit (or lack thereof) purely in her capacity as a member of the class.” *Vista Healthplan, Inc. v. Cephalon, Inc.*, No. 2:06-CV-1833, 2020 WL 1922902, at *33 (E.D. Pa.

Apr. 21, 2020) (quoting *McGee v. Ann's Choice, Inc.*, No. 12-2664, 2014 WL 2514582, at *3 (E.D. Pa. June 4, 2014). Importantly, courts in this Circuit routinely approve service awards of \$5,000, and more.³

Pursuant to the Settlement Agreement, for their time and effort advancing the action and for the risks they assumed in prosecuting this action against Maryville, their current or former medical care provider, on behalf of the Settlement Class Members, Settlement Class Counsel requests, and Maryville does not oppose, a Service Award in the amount of \$4,500 for each named Plaintiff (for a total of \$36,000) . Plaintiffs invested significant time in this litigation by bringing their claims to Settlement Class Counsel for investigation, agreeing to serve as the Representative Plaintiffs, reviewing the complaints drafted for this litigation, remaining available to consult with Settlement Class Counsel when necessary regarding the progress of the litigation, reviewing the progress of the litigation and approving the Settlement on behalf of the Class. Fee Decl. ¶ 25.

Because it is reasonably tailored to reflect the Representative Plaintiffs' excellent service and their efforts on behalf of the Settlement Class, and is a modest size, the requested Service Award should be approved. For these reasons, Settlement Class Counsel respectfully requests that the Court approve the requested Service Award on behalf of the Representative Plaintiffs.

CONCLUSION

For the above-mentioned reasons, Plaintiffs respectfully request that the Court grant their

³ See, e.g., *Wood v. Saroj & Manju Invs. Philadelphia LLC*, No. CV 19-2820-KSM, 2021 WL 1945809, at *10 (E.D. Pa. May 14, 2021) (awarding a service award of \$2,500 to the settlement class representative); *Fulton-Green v. Accolade, Inc.*, No. CV 18-274, 2019 WL 4677954, at *13 (E.D. Pa. Sept. 24, 2019) (awarding service awards of \$1,000 to each settlement class representative); *Krimes v. JPMorgan Chase Bank, N.A.*, No. CV 15-5087, 2017 WL 2262998, at *11 (E.D. Pa. May 24, 2017) (awarding service award of \$5,000 to the settlement class representative); *Schumacher v. Osmotica Pharms. Plc*, No. SOM-L-00540-19, slip op. at 7 (granting service awards of \$7,500 to class reps); *In re Liquid Aluminum Sulfate Antitrust Litig.*, 2019 WL 7375288, at *6 (D.N.J. Nov. 7, 2019) (awarding lead plaintiffs \$25,000 each for service awards).

motion, and approve an award of \$316,666.66 for attorneys' fees and \$7,455.02 for reimbursement of all reasonable litigation expenses, as well as Services Awards in the amount of \$4,500 for each Plaintiff.

Respectfully submitted,

By: /s/ Philip J. Furia

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**Pro Hac Vice Forthcoming*

*Attorneys for Plaintiffs, individually
and on behalf of all others similarly
situate*

EXHIBIT A

Sultzer & Lipari

Sultzer & Lipari, PLLC focuses on consumer class actions and other complex civil litigation. The firm is headquartered in Poughkeepsie, New York, and maintains offices in New Jersey, and Pennsylvania. Since its founding in 2013, Sultzer & Lipari, PLLC has served as lead counsel in numerous high-profile consumer class action cases and has obtained over a billion dollars in class settlements on behalf of consumers throughout the country. The firm is included in Martindale-Hubbell's Bar Register of Preeminent Lawyers for its class action practice. All of the partners in the firm are AV rated by Martindale-Hubbell and have been selected as Super Lawyers. In addition, they have also been selected as the American Law Media's Mass Tort Lawyers of the Year. The firm's founding partner, Mr. Sultzer, has earned selection as a Senior Fellow of the Litigation Counsel of America (LCA), recognizing the country's top trial attorneys, and is a member of their Trial Law and Diversity Institute. Mr. Sultzer has also been named in Lawdragon's list of 500 Leading Plaintiff Financial Lawyers for 2019, 2020, 2021 and 2023. The firm's attorneys have contributed to or been featured in various well-known publications regarding their class action practice, including: *Law360*, *Inside Counsel Magazine*, *Risk Management Magazine*, *CNBC News*, *Reuters*, *Bloomberg News*, the *New York Post* and *The New York Times*. Sultzer & Lipari, PLLC was named the best nationwide civil dispute firm in the U.S. *Business News Legal Elite Awards* in 2020. More detail about the firm, its practice areas, and its attorneys appear on its website: www.sultzerlipari.com.

I. Class Action Litigation Experience

Attorneys at Sultzer & Lipari, PLLC have advocated for consumers' and workers' rights, successfully challenging some of the nation's largest and most powerful corporations for a variety of improper, unfair, and deceptive business practices in a wide range of industries including, the auto, financial, cosmetic, food, and supplement industries. Through our efforts, we have recovered significant benefits for our consumer clients. Moreover, courts throughout the country have recognized Sultzer & Lipari, PLLC's significant experience with regards to its class action practice. *See Patora v. Tarte, Inc.*, Case No. 18-cv-11760-KMK (S.D.N.Y.), (Judge Kenneth M. Karas stated that "[t]he plaintiff here was ably represented by class counsel, who is clearly well-versed in complex class action litigation. I can speak from personal experience dealing with The Sultzer Firm, which has many highly-qualified and capable and experienced lawyers representing plaintiffs in consumer class actions. . ."); *Shiv Patel v. St. John's University*, Case No. 1:20-cv-02114 (E.D.N.Y.) (Judge Steven Gold observed that, "The firms' expertise and competency in the class action context are reflected by the favorable outcomes they have obtained in previous suits... particularly in light of their impressive record."); *Griffin, Anthony, et al., v. Aldi, Inc., Doe Defendants 1-10*, Case No. 16-cv-00354 (N.D.N.Y.) (Judge Lawrence E. Kahn stated that "The quality of the representation also supports the award. Plaintiffs' Counsel have worked diligently and are experienced and well-versed in wage and hour cases and class actions."); *Susan Swetz et al v. GSK Consumer Health, Inc.*, Case No. 7:20-cv-04731 (S.D.N.Y.) (Judge Román stated that "Class Counsel have prosecuted the Litigation with skill, perseverance, and diligence, as reflected

by the Settlement Fund achieved and the positive reception of the Settlement Agreement by the Settlement Class.”); *Arredondo v. University of La Verne*, Case No. 2:20-cv-07665 (C.D. Cal.) (Judge Mark C. Scarsi stated “Counsel also has a wealth of experience handling class actions. . . Counsel has demonstrated strong knowledge of the applicable law throughout the briefing process for this class certification motion. And finally, counsel has demonstrated it will commit sufficient resources to represent the class in this heavily litigated case.”); *Goldstein v. Henkel Corp.*, Case No. 3:22-cv-164, ECF No. 97 (D. Conn. Dec. 13, 2023) (Judge Thompson of the District of Connecticut praised the Sultzer Law Group as “experienced capable counsel.”); *Bangoura v. Beiersdorf, Inc.*, Case No. 1:22-cv-291, ECF No. 40 (E.D.N.Y. Jan. 10, 2023) (Judge Cogan stated that “the fact that I’m looking at 2022 index number on this case is, in itself, a testament to the efficiency of plaintiffs’ counsel’s efforts.”); and *Swetz v. The Clorox Company*, Case No. 22-CV-9374 (S.D.N.Y.) (Judge Halpern stated “I’m delighted that you were able to resolve this. I think very highly of lawyers who actually take on these matters. And I noticed, with the Court's approval, there was a fair amount of self-organization at the beginning of this . . . So I very much appreciate what you've done. I think you did an excellent job.”).

Recent Settled matters include:

- *In re Kia Engine Litigation.*, No. 8:17-cv-00838-JLS-JDE (C.D. Cal.) (served as co-lead counsel in an automobile defect case and reached a nationwide settlement valued at \$1.3 billion on behalf of owners and lessees of certain Hyundai and Kia vehicles)
- *Foster, Andrew Tyler et al. v. L-3 Communications EOTECH, Inc., et al.*, Case No. 15-cv-03519 (W.D. Mo.) (served as co-lead counsel and obtained more than \$50 million dollars in monetary relief for consumers who purchased falsely advertised holographic weapons sights)
- *Griffin, Anthony, et al., v. Aldi, Inc., Doe Defendants 1-10*, Case No. 16-cv-00354 (N.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$9.8 million on behalf of a national and NY class of employees who were not paid for all of the hours they worked and who did not receive appropriate overtime under federal and NY law)
- *Arrendondo, Brianna v. The University of La Verne*, Case No. 2:20-cv-07665 (C.D.C.A.) (served as co-lead counsel and obtained a settlement fund of \$8.895 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *In RE: Beyond Meat, Inc., Protein Content Marketing and Sales Practices Litigation*, Case No. 1:23-cv-00669 (N.D. Ill) (served as co-lead counsel and obtained a settlement fund of \$7.5 million on behalf of a national class of consumers who purchased food products alleged to have been deceptively labeled)
- *Susan Swetz, et al. v. GSK Consumer Health, Inc.*, Case No. 7:20-cv-04731 (S.D.N.Y) (served as co-lead counsel and obtained a settlement fund of \$6.5 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased dietary supplements alleged to have been deceptively labeled)
- *Bryan Swetz v. The Clorox Company*, Case No. 7:22-cv-9374 (S.D.N.Y) (served as co-lead counsel and obtained a settlement fund of \$5.65 million on behalf of a national class of consumers who purchased deceptively labeled products alleged to have been contaminated with bacteria)

- *Run Them Sweet, LLC v. CPA Global, Ltd., et al.*, Case No. 1:16-cv-1347 (E.D. VA.) (served as co-lead counsel and obtained a settlement fund of \$5.6 million on behalf of consumers who were overcharged with respect to foreign patent renewal services)
- *Davenport, Sumner, et al. v. Discover Financial Services, et al.*, Case No. 15-cv-06052 (N.D. Ill) (served as co-lead counsel and obtained a settlement fund of \$5.6 million for victims of violations of the Telephone Consumer Protection Act)
- *Qureshi, Maaz, et al. v. American University*, Case No. 20-cv-01141 (District of Columbia) (served as co-lead counsel and obtained a settlement fund of \$5.439 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *Kincheloe, Arica, et al. v. The University of Chicago, et al.*, Case No. 20-cv-03015 (N.D. Ill) (served as co-lead counsel and obtained a settlement fund of \$4.950 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *Rapoport-Hecht, Tziva et al. v. Seventh Generation, Inc.*, Case No. 14-cv-9087 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$4.5 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cleaning products alleged to have been deceptively labeled)
- *Delcid, Otto, et al. v. TCP HOT ACQUISITION LLC and IDELLE LABS, LTD.*, Case No. 21-cv-9569 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$3.65 million on behalf of a national class of consumers who purchased antiperspirant/deodorant products alleged to have been contaminated with benzene)
- *Catalano, et al. v. Lyons Magnus, LLC, et al.*, No. 7:22-cv-06867-KMK (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$3.5 million on behalf of a national class of consumers who purchased deceptively labeled products alleged to have been contaminated with bacteria)
- *Schmitt, et al. v. Younique, LLC*, No. 8:17-cv-01397-JVS-JDE (C.D. Cal.), (served as co-lead counsel and obtained a settlement fund of \$3.25 million and injunctive relief in the form of label modifications on behalf of consumers in a case involving allegedly deceptive labeling of consumer products)
- *Staubus, Steven, et al. v. Regents of University of Minnesota, et al.*, No. 27-cv-20-8546 (State of Minnesota District Court, Hennepin County) (served as co-lead counsel and obtained a settlement fund of \$3.25 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *Stewart, Hunter, et al. v. The University of Maine System*, Case No. 20-cv-537 (State of Maine Superior Court) (served as co-lead counsel and obtained a settlement fund of \$2.15 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)
- *Vincent, Wesley, et al. v. People Against Dirty, PBC. and Method Products, PBC.*, Case No. 7:16-cv-06936 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$2.8 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cleaning products alleged to have been deceptively labeled)
- *Porter, Ryan, et al., v. Emerson College*, Case No. 1:20-cv-11897 (District of Massachusetts) (served as co-lead counsel and obtained a settlement fund of \$2.06 million on behalf of college students who paid tuition for in person classes during the COVID pandemic)

- *Bangoura, Almany Ismael, et al. v. Beiersdorf, Inc. and Bayer Healthcare, LLC*, Case No. 1:22-cv-00291-BMC (E.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$2.3 million on behalf of a national class of consumers who purchased sunscreen products alleged to have been contaminated with benzene)
- *Mayhew, Tanya, et al., v. KAS Direct, LLC and S.C. Johnson & Son, Inc.*, Case No. 16-cv-6981 (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$2.2 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased baby products alleged to have been deceptively labeled)
- *Barnes, et al. v. Unilever United States, Inc.*, Case No. 1:21-cv-6191 (N.D.Ill.) (served as co-lead counsel and obtained a settlement fund of \$2 million on behalf of a national class of consumers who purchased antiperspirant/deodorant products alleged to have been contaminated with benzene)
- *Goldstein, Jason, et al. v. Henkel Corporation and Thriving Brands LLC*, Case No. 3:22-cv-00164-AWT (District of Connecticut) (served as co-lead counsel and obtained a settlement fund of \$1.95 million on behalf of a national class of consumers who purchased antiperspirant/deodorant products alleged to have been contaminated with benzene)
- *Patora v. Colgate-Palmolive Co.*, Case No. 7:23-cv-01118-VB (S.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$1.925 million on behalf of a national class of consumers who purchased deceptively labeled products alleged to have been contaminated with bacteria)
- *Patora v. Tarte, Inc.*, Case No. 7:18-cv-11760-KMK (S.D.N.Y.) (served as lead counsel and obtained a settlement fund of \$1.7 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cosmetic products alleged to have been deceptively labeled)
- *Starke v. Stanley Black & Decker, Inc.*, Case No. C-03—CV-21-001091 (Md. Cir. Ct., Baltimore County) (served as lead counsel and obtained settlement of \$1.6 million and injunctive relief in the form of label and website modifications on behalf of a national class of consumers who purchased drill bits alleged to have been deceptively advertised)
- *Luib, Tony, et al., v. Henkel Consumer Goods Inc.*, Case No. 17-cv-03021 (E.D.N.Y.) (served as co-lead counsel and obtained a settlement fund of \$1.5 million and injunctive relief in the form of label modifications on behalf of a national class of consumers who purchased cleaning products alleged to have been deceptively labeled)
- *Georgette Santa Maria, et al. v. Hyatt Equities LLC, et al.*, No. 2018-51928 (Dutchess County Supreme Court) (served as co-lead counsel and obtained a settlement fund on behalf of a national and NY class of employees who were not paid for all of the hours they worked and who did not receive appropriate overtime under federal and NY law)

II. Attorney Biographies

Jason P. Sultzer

Jason P. Sultzer is a nationally recognized trial lawyer and the founding partner of Sultzer & Lipari, PLLC. He represents clients throughout the United States in high profile litigations and has

substantial experience in class actions, mass torts, business disputes, personal injury litigation, product liability, and intellectual property-related issues.

Over the last twenty-five years, Mr. Sultzer has successfully defended and prosecuted nationally recognized companies in highly publicized class action lawsuits in state and federal courts, including proceedings before the Judicial Panel on Multidistrict Litigation. These class actions involved a wide variety of matters, including unfair competition, breach of warranty, product-related issues, employment discrimination, civil rights, overtime wages, the Fair Debt Collection Practices Act, abusive mortgage lending practices, The Telephone Consumer Protection Act, and consumer protection statutes of nearly all fifty states. Mr. Sultzer has been appointed as lead counsel in a number of class action lawsuits in which he has recovered millions of dollars and obtained injunctive relief on behalf of aggrieved consumers nationwide in cases involving fraudulent representations of various products, supplements, foods, and automobiles. In his capacity as lead counsel courts have referred to Mr. Sultzer's credentials as nothing short of sterling.

Mr. Sultzer is a frequent author and lecturer about class action lawsuits and has been quoted in national publications concerning the Class Action Fairness Act and class action settlements.

Mr. Sultzer has received the Martindale-Hubbell AV rating, indicating that his legal peers rank him at the highest level of professional excellence. He was also named as a "Mass Tort Lawyer of the Year" by American Law Media, has been recognized as a Super Lawyer for the last ten years, and was selected for Lawdragon's list of 500 Leading Plaintiff Financial Lawyers for 2019, 2020, 2021 and 2023. Mr. Sultzer, was also featured on the front cover of the Wall Street Journal's Legal Leader's magazine in 2014 and 2015 designating him as one of New York's top rated lawyers. In addition, Mr. Sultzer has earned selection as a Senior Fellow of the Litigation Counsel of America (LCA), recognizing the country's top trial attorneys. The LCA is an invitation-only honorary society that is composed of less than one-half of one percent of American lawyers. Mr. Sultzer is also a member of the LCA's Trial Law and Diversity Institute and its Honorary Order of Juris (consisting of attorneys who have tried fifty or more bench or jury trials to verdict).

Prior to opening Sultzer & Lipari, PLLC, Mr. Sultzer was the youngest equity partner at one of the largest law firms in the country where he served as the co-chairman of its class action practice group. Earlier in his career, Mr. Sultzer was in-house counsel for Owens Corning, a Fortune 500 Company, where he was involved in defending the company against tens of thousands of asbestos lawsuits throughout the country.

Joseph Lipari

Joseph Lipari is managing partner of Sultzer & Lipari, PLLC. Mr. Lipari has litigated in state and federal courts throughout the United States, and he has appeared before binding arbitration panels. He has achieved numerous successful outcomes as counsel for plaintiffs and defendants, including verdicts and settlements.

He has successfully represented businesses in complex suits arising out of high-profile, catastrophic events including: underground mining accidents in Alabama; steel mill explosions in Pennsylvania and Louisiana; and extended unplanned shutdowns and outages in mills, plants, and factories located across the United States and abroad.

Mr. Lipari was featured in *Law360* for a defense verdict he obtained on behalf of his manufacturer client. *See Moyer v. Siemens VAI Services and Signal Metal Industries, Inc.*, No. 2:11-cv-03185 (E.D. La.) (Louisiana jury found defendant was not liable for \$2.6 million wrongful death award following a deadly molten steel eruption allegedly linked to equipment designed by the company's predecessor).

Mr. Lipari has created significant caselaw in the field of consumer class actions. *See, e.g., Silva, Christopher et al. v. Smucker Natural Foods, Inc. and J.M. Smucker Co.*, 14-cv-6154 (E.D.N.Y.); *Sitt v. Nature's Bounty, Inc. et al.*, 15-cv-04199 (S.D.N.Y.).

He is admitted to the bars of New York, Pennsylvania, and New Jersey. He has also appeared as counsel, by way of *pro hac vice* admission, in over twenty states. Mr. Lipari has lectured and published on topics including trial strategy, patent disputes, hydrofracking in the Marcellus Shale, and risk management practices.

Mr. Lipari is a 2002 graduate of Seton Hall University School of Law. Before law school, he attended Officer Candidate School in Quantico, Virginia, and was offered a commission as Second Lieutenant in the United States Marine Corps.

Prior to joining Sultz & Lipari, PLLC, Mr. Lipari was a partner at a prominent national litigation firm. Earlier in his career, he was associated with one of the largest law firms in the country.

Mr. Lipari has received the Martindale-Hubbell AV rating, indicating that his legal peers rank him at the highest level of professional excellence. He was also named as a "Mass Tort Lawyer of the Year" by American Law Media, and has been recognized as a Super Lawyer.

Philip Furia

Philip Furia is a partner and chair of the class action practice for Sultz & Lipari, PLLC. Phil Furia is a highly versatile and experienced litigator who has spent the last fifteen years obtaining outstanding results for his clients in courts throughout the country. As Chair of the Class Action Practice, he leads the firm's efforts in representing plaintiffs in complex, high-stakes class actions, focusing on consumer product defect and contamination cases, antitrust matters and data breach litigation. He has successfully prosecuted matters involving unsafe and defective consumers products, mislabeled pharmaceuticals, heavy metals and microplastics contaminations, and the unauthorized exposure of sensitive personal information.

In addition to his class action work, Phil has extensive experience handling disputes involving breach of contract, fraud, attorney ethics, professional liability, real estate matters and intellectual property. He has represented a diverse range of clients, from individuals to large corporations, in litigation and arbitration matters across the country. When needed, he calls upon

his deep experience as an appellate advocate, having briefed and argued numerous appeals in state and federal courts, including in the First, Second and Third Departments of the New York State Appellate Division, the United States Courts of Appeals for the Second and Fifth Circuits, the Court of Appeals for the District of Columbia and the Texas Supreme Court.

Phil is a 2009 graduate of Seton Hall University School of Law, where he was a Presidential Scholar, member of the Interscholastic Moot Court Board and Editor of the Seton Hall Journal of Sports and Entertainment Law. He is also a 2006 graduate of The College of New Jersey where he earned a bachelor's degree in criminology. Prior to joining the firm, he was a partner at both a renowned litigation boutique and an AmLaw 100 firm.

Jeremy Francis

Mr. Francis is a partner at Sultzer & Lipari, PLLC. His practice focuses on commercial litigation and consumer class actions. Mr. Francis has litigated in state courts and federal courts throughout the country on behalf of both plaintiffs and defendants and has taken both civil and criminal trials to verdict.

Mr. Francis has fought on behalf of plaintiffs in national class actions under various state consumer protection laws, the Telephone Consumer Protection Act, the Fair Labor Standards Act and the New York State Labor Law, including arguing a false advertising claim before the Ninth Circuit Court of Appeals. He has also represented corporate defendants in TCPA and wage and hour class actions, corporate contract disputes, FTC enforcement actions, as well as against various tort claims, including personal injury and asbestos litigation.

Prior to joining Sultzer & Lipari, PLLC, Mr. Francis was an Assistant District Attorney in the Kings County District Attorney's Office, where he prosecuted misdemeanor and felony cases, including driving while intoxicated, narcotics, gun possession, and assault. He tried close to a dozen cases and secured guilty verdicts in Kings County Criminal Court. Subsequently, Mr. Francis was associated with a prominent real estate litigation firm specializing in residential and commercial real estate disputes in New York City. There, Mr. Francis represented tenants, landlords, cooperative and condominium boards, and guarantors in breach of contract and tort litigations, as well as lenders and borrowers in disputes over multi-million dollar commercial real estate loans.

Mr. Francis interned for the Honorable Kiyo A. Matsumoto in the Eastern District of New York and gained experience drafting opinions concerning a wide range of federal issues. As an intern for the United States Attorney's Office in the Eastern District of New York, he played an integral role in securing convictions in a RICO murder re-trial involving complex issues of expert testimony admissibility.

Mr. Francis attended Yale University, where he graduated with honors in Political Science. He is a 2011 graduate of Vanderbilt University Law School, where he was an Articles Editor of the Vanderbilt Journal of Entertainment and Technology Law. His article, "The Kindle Controversy: An Economic Analysis of How the Amazon Kindle's Text-to-Speech Feature Violates Copyright Law" was published in the Fall of 2011.

Daniel Markowitz

Daniel Markowitz is a partner at the Sultzer & Lipari, PLLC. He is an experienced litigator and class action attorney. Mr. Markowitz is known for developing strong client relationships centered around professionalism, clear communication, and dedication to understanding and fighting for the needs of his clients. He has represented clients on complex litigation in both federal and state court, including many high-profile cases involving prominent businesses. Representing plaintiffs, Mr. Markowitz has worked on class actions that resulted in settlements of over \$50,000,000.00.

Mr. Markowitz received recognition by being selected to the NY Metro Super Lawyers Rising Stars list each year from 2014-2019, and was selected to the NY Metro Super Lawyers list in 2020.

Mr. Markowitz graduated cum laude from NYU and went on to receive his law degree from St. John's University.

Prior to joining Sultzer & Lipari, PLLC, Mr. Markowitz began his career as in-house counsel. He then spent several years at a prominent litigation class action firm. He is admitted to practice in New York State, as well as the United States District Courts for the Southern and Eastern Districts of New York.

Scott Silberfein

Scott Silberfein is a partner at Sultzer & Lipari, PLLC.

Scott has 25+ years of substantial experience advocating for his clients in a variety of high-stakes, complex litigation matters, including class and collective actions involving fraud and breach of contract actions, alleged violations of RICO, and various federal and state consumer protection laws. Scott also represents parties in breach of fiduciary duty and partnership actions, fiduciaries and beneficiaries in sophisticated trusts and estates litigation and defending large, international law firms and their lawyers in professional liability claims. Scott has extensive experience representing companies in responding to and defending against investigations and lawsuits by Attorneys General.

Prior to joining Sultzer & Lipari, PLLC, Scott worked at Elman Freiberg PLLC, Moses & Singer LLP (for almost two decades), and before that, at Hodgson Russ LLP, and Wilson Elser, representing parties in complex litigations.

Among other civil volunteer responsibilities, Scott has served as President of the Board of Education of the Scarsdale Union Free School District, and as a member of the Board of Directors of the Crohn's & Colitis Foundation - Fairfield/Westchester Chapter, Westchester Reform Temple, Zeta Beta Tau Fraternity, Scarsdale Schools Education Foundation, and Scarsdale Youth Soccer Club.

Prior to attending law school, Scott worked in Washington, D.C, in the legislative offices of Congressman Gary Ackerman.

EXHIBIT B

FBFG | Finkelstein, Blankinship,
Frei-Pearson & Garber, LLP

FIRM RESUME

Finkelstein, Blankinship, Frei-Pearson & Garber, LLP

The lawyers of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP (“FBFG”) have successfully litigated complex class actions in federal and state courts across the country and have obtained successful results for clients against some of the world’s largest corporations. A sampling of FBFG’s more significant cases includes:

- *Farruggio v. 918 James Receiver, LLC*, No. 3831/2017 (Onondaga Cty. Com. Div.). Class action on behalf of approximately 4,000 residents of an unsafe nursing home. On July 5, 2018, the Court granted Plaintiffs’ contested motion to certify a class of all nursing home residents and appointed a FBFG attorney as class counsel. On December 18, 2018, the Court finally approved a settlement with the current owners valued at over \$4 million that required the home to provide substantial injunctive relief to make the home safe. On April 22, 2021, the Court has finally approved a settlement with the former owners that provided approximately \$6 million in cash to class members, a settlement that is easily the highest nursing home class action settlement ever in New York.
- *Saint Joseph Health System Medical Information Cases*, JCCP No. 4716 (Cal. Sup.Ct.). Complex class action on behalf of approximately 31,800 patients who were victimized by a data breach. A FBFG lawyer was appointed co-lead class counsel. The Court denied Saint Joseph’s demurrer and the Court of Appeals upheld that ruling. The Court certified the class and denied Saint Joseph’s summary judgment motion; the Court of Appeals upheld those rulings as well. On the eve of trial, the parties reached a settlement valued at approximately \$39 million and the Court finally approved the settlement on February 3, 2016. This settlement provides the more money per capita to individual class members than any other known data breach settlement.
- *Hamlen v. Gateway Energy Services Corp.*, No. 16-03526 (S.D.N.Y.). Class action alleging that Gateway Energy overcharged its customers for natural gas. The case settled on behalf of a nationwide class of Gateway Energy natural gas customers. The court granted final approval of the settlement, valued at approximately \$12 million, on September 13, 2019.
- *Lowell v. Lyft, Inc.*, No. 17-6521 (S.D.N.Y.). Nationwide class action on behalf of millions of people with disabilities who are denied services by Lyft. On November 29, 2018, the Court denied Lyft’s motion to compel arbitration, calling Lyft’s arguments “supremely unjust,” and denied in part Lyft’s motion to dismiss. On March 24, 2023, the Court certified a nationwide class and appointed FBFG as co-lead class counsel.
- *Durling v. Papa John’s International Inc.*, No. 16-03592 (S.D.N.Y.). Nationwide class and collective action on behalf of tens of thousands of Papa John’s delivery

drivers who were paid wages below the minimum. On August 3, 2018, the Court conditionally certified a nationwide collective of all corporate Papa John's delivery drivers. On December 29, 2022, the Court preliminarily approved a \$20 million nationwide settlement and appointed FBFG lawyers as co-lead class counsel.

- *Wise v. Energy Plus Holdings, LLC*, No. 11-7345 (S.D.N.Y.). Nationwide class action alleging that Energy Plus falsely claimed to offer competitive electricity rates when its prices were substantially higher than market rates in violation of New York Gen. Bus. L. § 349 and other consumer protection laws. On September 17, 2013, the Court certified the class, appointed the lawyers of FBFG as lead class counsel, and approved the settlement valued at over \$11 million.
- *Thompson v. Parts Authority, LLC*, No. 500141/2022 (Kings Cty.). Nationwide class action on behalf of thousands of Parts Authority delivery drivers that were paid wages below the minimum. On August 31, 2022, the Court appointed FBFG as co-lead class counsel and approved a \$5.6 million nationwide settlement.
- *Chen v. Hiko Energy, LLC*, No. 14-1771 (S.D.N.Y.). Multistate class action alleging that Hiko falsely claimed to offer competitive electricity rates when its prices are substantially higher than market rates in violation of New York Gen. Bus. L. §§ 349 and 349-d, and common law. On May 9, 2016, the Court certified the class, appointed the lawyers of FBFG as class counsel, and approved the settlement valued at over \$10 million.
- *Goldemberg v. Johnson & Johnson Consumer Companies, Inc.*, No. 13-3073 (S.D.N.Y.). Class action alleging deceptive labeling in connection with Defendant's Aveeno Naturals brand of personal care products. Plaintiffs defeated Defendant's motions to dismiss and exclude Plaintiffs' expert's report and obtained class certification and an appointment as co-lead class counsel. On November 1, 2017, the Court approved a proposed settlement valued at \$6.75 million.
- *Collins v. NPC Int'l Inc.*, No. 17-00312 (S.D. Ill.). Class action on behalf of under-reimbursed delivery drivers, with FBFG serving as co-lead counsel and Jeremiah Frei-Pearson serving as lead trial counsel. NPC successfully compelled this matter to individual arbitration, but FBFG and co-counsel filed a series of individual arbitrations, forcing NPC to abandon its arbitration defense. After NPC declared bankruptcy to reorganize, FBFG persisted in litigating the case, which settled for \$10.5 million one week before the scheduled trial date.
- *Sackin v. Transperfect Global, Inc.*, No. 17-1469 (S.D.N.Y. 2017). Class action on behalf of over 4,800 individuals victimized by a data breach. On June 15, 2017, the Court entirely denied Transperfect's motion to dismiss. The Court appointed

FBFG as class counsel and, on December 14, 2018, finally approved a settlement valued at over \$40 million.

- *Castillo v. Seagate Technology LLC*, No. 16-1958 (N.D. Cal.). Class action on behalf of over 12,000 individuals victimized by a data breach. On September 19, 2016, the Court denied Seagate’s motion to dismiss in part. The Court appointed a FBFG attorney as co-lead class counsel and, on March 14, 2018, finally approved settlement valued at over \$40 million.

¹ Three of the founding partners of FBFG were formerly partners in the firm of Meiselman, Packman, Nealon, Scialabba & Baker, P.C. (“MPNSB”). References in this resume to “lawyers of FBFG” includes instances involving current FBFG lawyers while they were at MPNSB.

- *McLaughlin v. IDT Energy*, No. 14-4107 (E.D.N.Y.). Nationwide class action alleging that IDT overcharged consumers for gas and electric supply. On October 18, 2018, the Court certified the class, appointed the lawyers of FBFG as co-lead class counsel, and approved the settlement valued at over \$54 million.
- *Edwards v. North American Power & Gas, LLC*, No. 14-1714 (D. Conn.). Nationwide class action alleging that North American Power charged electricity and gas rates far in excess of what it promised to charge variable rate customers. On August 2, 2018, the Court certified the class, appointed the lawyers of FBFG as co-lead class counsel, and approved the settlement valued at over \$19 million.
- *Bellino v. JPMorgan Chase Bank, N.A.*, No. 14-3139 (S.D.N.Y.). Statewide class action on behalf of mortgagors alleging Chase’s failure to comply with mortgage recording requirements. On November 9, 2017, the Court approved a settlement valued at \$10,808,630, certifying the settlement class and appointing FBFG attorneys as class counsel.
- *Reed v. Friendly’s Ice Cream, LLC*, No. 15-0298 (M.D. Pa.). Nationwide class and collective minimum wage and overtime claim on behalf of approximately 10,000 servers. On January 31, 2017, the Court certified the class, appointed a FBFG lawyer as co-lead class counsel, and approved the settlement valued at over \$4.6 million.
- *Quinn v. Walgreens*, No. 12-8187 (S.D.N.Y.). Nationwide settlement valued at \$2.8 million to resolve Plaintiffs’ claim that Defendant’s glucosamine products did not perform as represented. On March 24, 2015, the Court certified the class, appointed FBFG lawyers as Co-Lead Class Counsel and approved a nationwide \$2.8 million settlement.

- *Al Fata v. Pizza Hut of America, Inc.*, No. 14-376 (M.D. Fla.). Statewide minimum wage claim on behalf of approximately 2,000 Pizza Hut delivery drivers. On June 21, 2017, the Court certified the class and approved a settlement valued at \$3.1 million that provided the then-highest per-person recovery in any delivery driver under-reimbursement class action.
- *Adler v. Bank of America, N.A.*, No. 13-4866 (S.D.N.Y.). Class action alleging that Bank of America failed to timely present certificates of discharge for mortgages that were satisfied in New York State. On July 20, 2016, the Court certified the class, appointed the lawyers of FBFG as class counsel, and approved the settlement valued at over \$7 million.
- *In re Michaels Stores, Inc. Zip Code Litigation*, No. 11-10920 (D. Mass.). Statewide class action alleging that Michaels Stores unlawfully collected consumers' private information. After securing a groundbreaking decision by the Massachusetts Supreme Judicial Court, establishing that consumers whose privacy has been violated may bring consumer protection claims against companies that unlawfully collect personal identification information, the lawyers of FBFG were appointed as co-lead class counsel and negotiated a class wide settlement, which the Court approved.

FBFG is also counsel of record in numerous class actions throughout the country, including cases pending in United States District Courts in New York, California, Massachusetts, Nevada, New Jersey, Maryland, New Mexico, Colorado, Arkansas, and Pennsylvania, as well as actions pending in the state courts of New York, California, and New Jersey.

FBFG also has an accomplished appellate practice, having obtained numerous groundbreaking decisions from federal and state appellate courts. Examples include: *In re Zappos.com, Inc.*, 888 F.3d 1020, 1027-28 (9th Cir. 2018), *cert. denied*, 18-225, 2019 WL 1318579 (U.S. Mar. 25, 2019) (reversing dismissal by district court and holding that consumers whose personal identification information was stolen in a data breach have Article III standing); *Zahn v. N. Am. Power & Gas, LLC*, 2016 IL 120526, 72 N.E.3d 333, *reh'g denied* (Jan. 23, 2017) (on certified question from the Seventh Circuit, holding that the Illinois Commerce Commission does not have exclusive jurisdiction to hear consumer claims against alternative retail electricity suppliers); *Zahn v. N. Am. Power & Gas, LLC*, 847 F.3d 875 (7th Cir. 2017) (reversing dismissal of consumer's putative class action seeking redress for excessive electricity charges by alternative retail electricity supplier); *John v. Whole Foods Mkt. Grp., Inc.*, 858 F.3d 732, 738 (2d Cir. 2017) (reversing dismissal of consumer's putative class action seeking redress for Whole Foods' alleged practice of representing the weight of prepackaged foods); *Tyler v. Michaels Stores, Inc.*, 464 Mass. 492, 984 N.E.2d 737 (2013) (on certified question from U.S. District Court for the District of Massachusetts, finding that the collecting personal identification information from unwitting consumers violates Massachusetts consumer protection law).

Attorney Profiles

Todd S. Garber



Todd S. Garber is a founding partner of FBFG. Mr. Garber is an experienced litigator, who practices in state and federal courts. His areas of experience include class actions, consumer fraud, securities fraud, complex commercial disputes, business torts, antitrust, and general litigation. Mr. Garber was designated a New York Super Lawyer every year since 2013, a distinction earned by only five percent of the lawyers in the New York metro area.

Prior to joining FBFG, Mr. Garber worked at Lowey Dannenberg Cohen & Hart, P.C., where he prosecuted and defended complex commercial litigation matters and class actions.

Mr. Garber's career achievements include:

- Appointed co-class counsel in *Hamlen v. Gateway Energy Services Corp.*, No. 16-03526 (S.D.N.Y.). Class action alleging that Gateway Energy overcharged its customers for natural gas. The case settled on behalf of a nationwide class of Gateway Energy natural gas customers. The court granted final approval of the settlement, valued at approximately \$12 million, on September 13, 2019.
- Appointed Class Counsel in *Brenner v. J.C. Penney Company, Inc.*, No. 13-11212 (D. Mass.). Plaintiff alleged that J.C. Penney requested and recorded customers' ZIP codes, which it then used to identify consumers' mailing addresses to send them junk mail, in violation of Massachusetts law. The Court granted final approval of a settlement valued at more than \$3.5 million.
- Appointed Class Counsel in *Brenner v. Kohl's Corporation*, No. 13-10935 (D. Mass.). State-wide class action alleging that Kohl's unlawfully collected consumers' personal identification information. On March 12, 2014, the Court granted final approval to a settlement valued at \$425,000 and appointed lawyers of FBFG class counsel.
- Appointed Co-Lead Class Counsel in *Quinn v. Walgreen*, No. 12-8187 (S.D.N.Y.). Nationwide settlement valued at \$2.8 million to resolve Plaintiffs' claim that Defendant's glucosamine products did not perform as represented. On March 24, 2015, the Court finally approved the settlement and certified the class.

- Appointed Interim Co-Lead Class Counsel in *Chen v. Hiko Energy, LLC*, No. 14-cv-01771 (S.D.N.Y.). State-wide class action alleging that Hiko charged deceptively high electricity and natural gas rates. On May 9, 2016, the Court certified the class and approved a settlement valued at over \$10 million.
- Appointed Interim Co-Lead Class Counsel in *Goldemberg v. Johnson & Johnson Consumer Companies, Inc.*, No. 13-3073 (S.D.N.Y.). Class action alleging deceptive labeling in connection with Defendant's Aveeno Naturals brand of personal care products. Plaintiffs defeated Defendant's motions to dismiss and exclude Plaintiffs' expert's report and won class certification. On November 1, 2017, the Court approved a proposed settlement valued at \$6.75 million.
- Appointed Co-Lead Class Counsel in *Tyler v. Bed Bath & Beyond, Inc.*, No. 13-10639 (D. Mass.). Plaintiff alleged that Bed, Bath & Beyond illegally requested and recorded customers' ZIP codes.
- Class Counsel in *Wise v. Energy Plus Holdings LLC*, No. 11-7345 (S.D.N.Y.). Plaintiffs alleged that Energy Plus, an independent electricity supplier, misrepresented that its rates were reflective of the market when they were much higher. The Court granted final approval of a settlement covering more than 400,000 consumers in eight states and valued at more than \$11,000,000.
- As counsel for the New York City Pension Funds, Lead Plaintiff in *In re Juniper Networks, Inc. Sec. Litig.*, No. C-06-04327 JW (N.D. Cal 2010), helped achieve a settlement of \$169.5 million, one of the largest settlements in an options backdating case, after more than three years of hard-fought litigation.
- Involvement in the prosecution of a number of high-profile cases, which have resulted in hundreds of millions of dollars in recoveries for investors, including *In re WorldCom Securities Litigation*, *In re HealthSouth Securities Litigation*, *In re DaimlerChrysler AG Securities Litigation*, and *In re Bayer AG Securities Litigation*.
- Representation of institutional investors in stockholder voting rights and corporate governance cases, including *Gabelli Global Multimedia v. Western Investment LLC*, 700 F. Supp. 2d 748 (D. Md. 2010); *Delcath Systems, Inc. v. Ladd*, 466 F.3d 257 (2d. Cir. 2006); *Salomon Brothers Mun. Partners Fund, Inc. v. Thornton*, 410 F. Supp. 2d 330 (S.D.N.Y. 2006); *meVC Draper Fisher Jurvetson Fund I, Inc. v. Millennium Partners*, 260 F. Supp. 2d 616 (S.D.N.Y. 2003); and *Millenco L.P. v. meVC Draper Fisher Jurvetson Fund I, Inc.*, 824 A.2d 11 (Del. Ch. 2002).

Mr. Garber received his B.A. from Cornell University in 1999 and his J.D. from the Benjamin N. Cardozo School of Law in 2002, where he was articles editor for the Cardozo Journal of International and Comparative Law and was competitively selected to work for the New York City Law Department's Corporation Counsel in its Appellate Division.

Mr. Garber co-authored “Morrison v. National Australia Bank: The Potential Impact on Public Pension Fund Fiduciaries,” The NAPPA Report, Vol. 24, Number 3, August 2010, and “Loss Causation in the Ninth Circuit,” New York Law Journal, September 2, 2008.

Mr. Garber is admitted to practice in New York and Connecticut and is a member of the bars of the U.S. District Courts for the Eastern, Western, and Southern Districts of New York and the Second Circuit Court of Appeals.

Andrew Finkelstein



Andrew Finkelstein is the Managing Partner of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP. He has become a noted consumer activist through his representation of injured individuals against corporate wrong doers and other irresponsible parties.

Mr. Finkelstein served as Captain of the 9/11 Victim Compensation Fund in a pro bono capacity, where he helped obtain over \$10 million for victims and waived all legal fees associated with this representation. Mr. Finkelstein is also the Chairman of the Plaintiff Personal Injury Steering committee for the Neurontin Liability Multidistrict Litigation in Boston, Massachusetts. He has worked closely with the FDA regarding the adverse effects associated with Neurontin, having filed a Citizens Petition seeking enhanced warning of the side effects of this drug, specifically increased suicidal tendencies. Additionally, Mr. Finkelstein is a member of the Executive Steering Committee of the Hormone Replacement Therapy Multidistrict Litigation in both Philadelphia, Pennsylvania and Little Rock, Arkansas. He is a member of the Plaintiff Steering Committee of the Ortho Evra Birth Control Patch New Jersey Coordinated Litigation, and the Plaintiff Steering Committee of the Viagra Multidistrict Litigation in Minneapolis, Minnesota.

Mr. Finkelstein is a frequent lecturer at Continuing Legal Education courses. His topics include “Science in the Courtroom”, “Technology in the Courtroom”, “Prosecution of a Pharmaceutical Case”, “The Ethics of On-line Advertising”, and “Structured Settlements and the Personal Injury Settlement.”

In addition to these presentations, Mr. Finkelstein volunteers his time to present his “Commit to Quit Texting While Driving” seminar to area high school students.

Greg Blankinship



Greg Blankinship is a founding partner of FBFG, and he specializes in class actions in state and federal courts. Mr. Blankinship has worked on substantial class action matters representing both defendants and plaintiffs in numerous state, federal, and multidistrict class actions, including wage and hour and consumer fraud matters. Mr. Blankinship has been designated a New York Super Lawyer every year since 2014, a distinction earned by only five percent of the lawyers in the New York metro area.

Prior to joining FBFG, Mr. Blankinship was an associate with Skadden, Arps, Slate, Meagher & Flom LLP and Greenberg Traurig, LLP. Mr. Blankinship received his B.A. from Emory University in 1991 and his M.A. from the University of North Carolina in 1995. He attended law school at the University of Washington, where he earned his J.D. in 2003. While in law school, Mr. Blankinship was a member of the University of Washington Law Review.

A sampling of Mr. Blankinship's successful cases includes:

- Appointed Interim Co-Lead Class Counsel in *Goldemberg v. Johnson & Johnson Consumer Companies, Inc.*, No. 13-3073 (S.D.N.Y.). Class action alleging deceptive labeling in connection with Defendant's Aveeno Naturals brand of personal care products. Plaintiffs defeated Defendant's motions to dismiss and exclude Plaintiffs' expert's report and won class certification. On November 1, 2017, the Court approved a proposed settlement valued at \$6.75 million.
- Appointed to the Plaintiffs' Executive committee in *In Re: Santa Fe Natural Tobacco Company Marketing and Sales Practices Litigation*, No. 16-md-2695 (D. N.M.). Plaintiffs in this multidistrict litigation contend that Santa Fe Natural Tobacco mislead consumers into believing their cigarettes were less harmful than others because they are natural and organic. Litigation is on-going.
- Appointed co-class counsel in *Hamlen v. Gateway Energy Services Corp.*, No. 16-03526 (S.D.N.Y.). Class action alleging that Gateway Energy overcharged its customers for natural gas. The case settled on behalf of a nationwide class of Gateway Energy natural gas customers. The court granted final approval of the settlement, valued at approximately \$12 million, on September 13, 2019.
- Class counsel in *McLaughlin v. IDT Energy*, No. 14-4107 (E.D.N.Y.). Nationwide class action alleging that IDT overcharged consumers for gas and electric supply. On October

18, 2018, the Court certified the class, appointed the lawyers of FBFG as co-lead class counsel, and approved the settlement valued at over \$54 million.

- Class counsel in *Edwards v. North American Power & Gas, LLC*, No. 14-1714 (D. Conn.). Nationwide class action alleging that North American Power charged electricity and gas rates far in excess of what it promised to charge variable rate customers. On August 2, 2018, the Court certified the class, appointed the lawyers of FBFG as co-lead class counsel, and approved the settlement valued at over \$19 million.
- Counsel in *Wise v. Energy Plus Holdings LLC*, No. 11-7345 (S.D.N.Y.). Plaintiffs alleged that Energy Plus, an independent electricity supplier, misrepresented that its rates were reflective of the market when they were much higher. The Court granted final approval of a settlement covering more than 400,000 consumers in eight states and valued at more than \$11,000,000.
- Appointed Class Counsel in *Brenner v. J.C. Penney Company, Inc.*, No. 13- 11212 (D. Mass.). Plaintiff alleged that J.C. Penney requested and recorded customers' ZIP codes, which it then used to identify consumers' mailing addresses to send them junk mail, in violation of Massachusetts law. The Court granted final approval of a settlement valued at more than \$3.5 million.
- Appointed Class Counsel in *Brenner v. Kohl's Corporation*, No. 13-10935 (D. Mass.). State-wide class action alleging that Kohl's unlawfully collected consumers' personal identification information. On December 5, 2013, the Court granted preliminary approval to a settlement valued at \$435,000 and appointed lawyers of FBFG class counsel.
- Appointed Interim Co-Lead Class Counsel in *Chen v. Hiko Energy, LLC*, No. 4- 01771 (S.D.N.Y.). State-wide class action alleging that Hiko charged deceptively high electricity and natural gas rates.
- Appointed Interim Co-Lead Class Counsel in *Tyler v. Bed Bath & Beyond, Inc.*, No. 13-10639 (D. Mass.). Plaintiff alleged that Bed, Bath & Beyond illegally requested and recorded customers' ZIP codes.

Mr. Blankinship's broad experience as a litigator has also exposed him to a wide variety of substantive business and consumer issues. He also has substantial experience with the issues and procedural aspects of large class action and complex cases.

Mr. Blankinship is admitted to practice in New York and Massachusetts and is a member of the bars of the U.S. District Courts for the Eastern, Western, Northern, and Southern Districts of New York, the District of Connecticut, the District of Massachusetts, and the First, Second, Third, Seventh, and Ninth Circuit Courts of Appeals.

Jeremiah Frei-Pearson



Jeremiah Frei-Pearson is a founding partner of FBFG. He is a passionate advocate and an experienced litigator who represents consumers and employees in complex class actions. The National Trial Lawyers Association selected Mr. Frei-Pearson as a member of the Top 100 Trial Lawyers every year since 2014. Mr. Frei-Pearson is a member of the Best Attorneys of America, a distinction that is limited to less than 1% of attorneys, and he is also designated as a Super Lawyer, a distinction awarded to only 5% of the New York Metro Area. Mr. Frei-Pearson practices in federal and state courts throughout the country and his areas of expertise include class actions, privacy, consumer fraud, employment law, and civil rights.

Prior to joining FBFG, Mr. Frei-Pearson was an associate with Kaye Scholer LLP, a multinational law firm, and a staff attorney with Children's Rights, a national public interest law firm representing children in foster care reform class action lawsuits. Mr. Frei-Pearson received his B.A. from Skidmore College, *Magna Cum Laude*, Phi Beta Kappa in 2000 and he earned his in 2003 from Stanford Law School. While in law school, Mr. Frei-Pearson was a Public Interest Fellow and served as Senior Symposium Editor of the Stanford Law & Policy Review.

A sampling of Mr. Frei-Pearson's significant cases includes:

- Appointed class counsel in *Farruggio v. 918 James Receiver, LLC*, No. 3831/2017 (Onondaga Cty. Com. Div, a class action on behalf of approximately 4,000 residents of an unsafe nursing home. On July 5, 2018, the Court granted Plaintiffs' contested motion to certify a class of all nursing home residents and appointed a FBFG attorney as class counsel. On December 18, 2018, the Court finally approved a settlement with the current owners valued at over \$4 million that required the home to provide substantial injunctive relief to make the home safe. On April 22, 2021, the Court has finally approved a settlement with the former owners that provided approximately \$6 million in cash to class members, a settlement that is easily the highest nursing home class action settlement ever in New York.
- Appointed co-class counsel in *Saint Joseph Health System Medical Information Cases*, JCCP No. 4716 (Cal. Sup. Ct.). The Court denied Saint Joseph's demurrer and the Court of Appeals upheld that ruling. After more than two years of litigation, the Court granted Plaintiffs' motion to certify a class of approximately 31,800 data breach victims. On January 14, 2015, the Court denied Saint Joseph's motion for summary judgment. The Court of Appeals upheld the Court's summary judgment and class certification decisions. The case was set for trial on August 24, 2015, but the parties reached a settlement valued at approximately \$39 million, which the Court finally approved on February 3, 2016. This

settlement provides the more money *per capita* to individual class members than any other known data breach settlement on record.

- Lead counsel to Plaintiffs and the certified collective in *Durling v. Papa John's International Inc.*, No. 16-03592 (S.D.N.Y.). Nationwide class and collective action on behalf of tens of thousands of Papa John's delivery drivers who were paid wages below the minimum. On August 3, 2018, the Court conditionally certified a nationwide collective of all corporate Papa John's delivery drivers. On December 29, 2022, the Court preliminarily approved a \$20 million nationwide settlement and appointed FBFG lawyers as co-lead class counsel.
- Co-lead counsel and lead trial counsel in *Collins v. NPC Int'l Inc.*, No. 17-00312 (S.D. Ill.), a class action on behalf of under-reimbursed delivery drivers. NPC successfully compelled this matter to individual arbitration, but FBFG and co- counsel filed a series of individual arbitrations, forcing NPC to abandon its arbitration defense. After NPC declared bankruptcy to reorganize, FBFG persisted in litigating the case, which settled for \$10.5 million one week before the scheduled trial date.
- Appointed co-lead class counsel in *Al Fata v. Pizza Hut of America, Inc.*, No. 14- 376 (M.D. Fla.). The Court denied defendant's motion to compel arbitration. While Plaintiffs' class certification motion was sub *judice*, the parties reached a class settlement on behalf of a Florida class of delivery drivers alleging minimum wage violations. The Court granted final approval of the settlement, which is valued at \$3.1 million, on June 21, 2017.
- Appointed class counsel in *Beebe v. V&J Nat'l Enterp., LLC*, No. 17-6075 (W.D.N.Y.). The Court denied defendants' motion for judgment on the pleadings and certified a FLSA collective of all delivery driver employees at one of the largest Pizza Hut franchisees in the country. On June 1, 2020, the Court granted final approval of a class and collective settlement valued at \$2.35 million.
- Appointed class counsel in *Hanna v. CFL Pizza, LLC*, No. 05-2011-CA-52949 (Fl. Cir. Court). On September 3, 2013, the Court granted final approval of a settlement that created a substantial settlement fund for under-reimbursed Pizza Hut franchisee delivery drivers who alleged violations of Florida minimum wage law.
- Appointed co-class counsel in *Bellaspica v. PJPA, LLC*, No. 13-3014 (E.D. Pa.). On June 22, 2016, the Court granted final approval of a FLSA collective action settlement, providing a settlement fund for under-reimbursed Papa John's franchisee pizza delivery drivers.
- Appointed co-lead class counsel in *Reed v. Friendly's Ice Cream, LLC*, No. 15- 00298 (M.D. Pa.). The Court denied motions to dismiss and ruled for plaintiffs on several other

motions in this wage and hour class action. On January 31, 2017, the Court certified the class and finally approved a settlement valued at over \$4.6 million.

- Appointed class counsel in *Yoeckel v. Marriott*, No. 703387 (Queens Cty. Com. Div.). Class action alleging that Marriott violated New York wage and hour laws. On May 3, 2017, the Court certified a class and finally approved a settlement that provided class members with 100% of their maximum compensatory damages alleged.
- Appointed co-lead class counsel in *Castillo v. Seagate Technology LLC*, No. 16- 02136 (N.D. Cal.). Class action on behalf of over 12,000 individuals victimized by a data breach. On September 19, 2016, the Court denied Seagate’s motion to dismiss in part. On March 14, 2018, the Court finally approved a settlement valued at over \$40 million.
- Appointed class counsel in *Sackin v. Transperfect Global, Inc.*, No. 17-1469 (S.D.N.Y. 2017). Class action on behalf of over 4,800 individuals victimized by a data breach. On June 15, 2017, the Court entirely denied Transperfect’s motion to dismiss. On December 14, 2018, the Court finally approved a settlement valued at over \$40 million.
- Appointed co-liaison class counsel in *Yahoo! Inc. Private Information Disclosure Cases*, JCCP No. 4895 (Cal Sup. Ct.). Complex class action involving one of the largest data breaches in U.S history. The Court denied Yahoo’s demurrer, and, after Plaintiffs’ class certification motion was fully briefed, the parties reached a settlement valued at over \$85 million. Plaintiffs moved for preliminary approval in federal court.
- Appointed co-lead class counsel in *In Re Zappos.Com, Inc., Customer Data Security Breach Litigation*, No. 16-16860 (D. Nev. 2012). Multidistrict class action on behalf of approximately 23 million consumers victimized by a data breach. The Ninth Circuit reversed the District Court’ decision dismissing the case and issued a significant decision holding that data breach victims whose personal identification information was stolen in a data breach have standing. On March 25, 2019, the Supreme Court denied Zappos’ request for certiorari. The court granted preliminary approval of the settlement on September 19, 2019.
- *Lowell v. Lyft, Inc.*, No. 17-6521 (S.D.N.Y.). Nationwide class action on behalf of millions of people with disabilities who are denied services by Lyft. On November 29, 2018, the Court denied Lyft’s motion to compel arbitration, calling Lyft’s arguments “supremely unjust,” and denied in part Lyft’s motion to dismiss. On March 24, 2023, the Court certified a nationwide class and appointed FBFG as co-lead class counsel.
- Appointed co-class counsel in *Miller v. Fresh*, No. 14-0880 (Mass. Suffolk Cty.). State-wide class action alleging that Fresh unlawfully collected consumers’ personal identification information. On July 15, 2015, the Court certified a class and granted final approval to a settlement.

- Counsel to the Plaintiffs in *D.G. ex rel. Stricklin v. Henry*, No. 08-074 (N.D. Okl.). In this class action to reform Oklahoma's foster care system, the Court certified a statewide class of Oklahoma's foster children (an opinion that was affirmed by the Tenth Circuit). As a result of this litigation, Oklahoma has committed to restructuring its state foster care agency to eliminate dangerous practices (such as an unsafe shelter where babies in state custody disproportionately suffered fractured skulls) and improve measurable outcomes for children in state custody.
- As counsel in *Charlie and Nadine H. v. Christie*, No. 99-3678 (D.N.J.), worked with the state agencies, a federally appointed monitor, and the Court to help ensure implementation of a consent decree to reform New Jersey's foster care system. Among many other significant achievements under the consent decree, New Jersey broke a record for adoptions achieved, significantly reformed supervision procedures that were inadequate, and substantially increased the percentage of foster children who subsequently attended college. Mr. Frei-Pearson continues to be involved in this litigation in a *pro bono* capacity.

Mr. Frei-Pearson has received numerous awards for his legal work, including the New York City Bar Association's Thurgood Marshall Award for his work on death penalty cases, a citation from the New York City Council for his child advocacy work, and the 2010 Palomountain Award from Skidmore College. Mr. Frei-Pearson regularly speaks on panels, including speaking engagements at Stanford Law School and Harvard Law School.

Mr. Frei-Pearson is also active in his community; he is a district leader in White Plains, where he serves as Chair of the Mayor's Sustainability Committee, as a member (and former Chair) of the Mayor's Committee For People With Disabilities; he also serves on the Board of the Legal Services of the Hudson Valley; and he was recently elected as Vice Chair of both the Westchester County Democratic Party and the White Plains Democratic City Committee.

Mr. Frei-Pearson is admitted to practice in New York and is a member of the bars of the U.S. District Courts for the Eastern, Northern, Western, and Southern Districts of New York.

Olena Ball



Olena Ball is an associate at FBFG, where she specializes in prosecuting class actions in state and federal courts. Mrs. Ball joined the firm after working at several prominent law firms. She received her J.D. from Benjamin N. Cardozo School of Law and her B.A., cum laude, from the City College of New York. During law school, Mrs. Ball served on the Cardozo Women’s Law Journal.

Emma Bruder



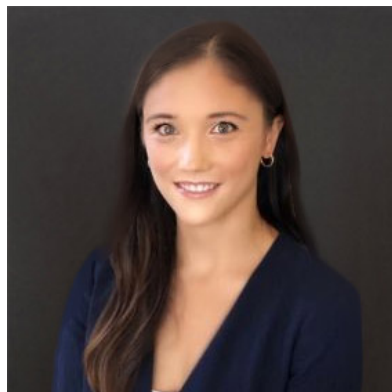
Emma Bruder is an associate pending admission at FBFG. Ms. Bruder received her J.D. from Benjamin N. Cardozo School of Law and her B.A., with honors, from the University of Michigan. Prior to law school, Ms. Bruder interned at the Special Litigation Unit at the City of New York Law Department, and while at Cardozo, she gained valuable litigation experience through internships at the Legal Aid Society, the Manhattan District Attorney’s Office the Bronx Public Defenders the Queens District Attorney’s Office, and Simon Lesser, P.C.

Panning Cui



Panning Cui is an associate at FBFG. She received her LLM from Boston University School and her B.S. from the University of International Business and Economics.

Emily Fisher



Emily Fisher is an associate at FBFG. Emily joined the firm in 2022. She received her J.D. from St. John’s University School of Law and her B.A. and B.S. from St. Lawrence University.

Erin Kelley



Erin Kelley is an associate at FBFG, where she specializes in prosecuting class actions in state and federal courts. Prior to joining the firm in 2023, Ms. Kelley represented numerous individuals who had experienced discrimination. She received her J.D. from the University of Southern California Gould School of Law. She graduated with Distinction from the University of Wisconsin-Madison, receiving both her B.A. and membership to Phi Beta Kappa in 2015. While in law school, Ms. Kelley served as a Senior Production Editor on the Southern California Review of Law and Social Justice. Ms. Kelley is the author of “‘Certain Minimum Requirements’: An Unaccompanied Minor Child’s

Right to Education in Federal Immigration Facilities.”

Yaneike Mckenzie-Coley



Yaneike McKenzie-Coley is an associate at FBFG, she received her J.D. from Hofstra University School of Law and her B.A., cum laude, from the Stony Brook University. After Law School, Mrs. Coley volunteered assisting consumers with consumer debt related issues in the Bronx County Court.

Chantel Mills



Chantel Mills is an associate at FBFG, where she specializes in prosecuting class actions in state and federal courts. Ms. Mills joined the firm after working at several prominent law firms. She received her J.D. from William and Mary School of Law and her B.A., with honors, from the University of Pennsylvania. During law school, Ms. Mills received various awards for her commitment to academic excellence and community service.

Keir Negron



Keir Negron is an associate at FBFG. Mr. Negron received his J.D. from Harvard Law School and conducted his undergraduate studies at the University of California, Santa Cruz. At Harvard Law, Mr. Negron was a student attorney at the Cyberlaw and Environmental Law and Policy clinics and the president of the Harvard Asia Law Society.

John Sardesai-Grant



Mr. Sardesai-Grant is a highly experienced litigator who specializes in class actions in state and federal courts.

Before joining FBFG, John was an associate at Baritz & Colman LLP, where he represented clients in employment discrimination and commercial disputes. As of counsel to Reese Richman LLP, John brought cases against the New York Police Department on behalf of victims of police misconduct. As an associate at Brower Piven, P.C., he prosecuted complex securities fraud class actions on behalf of shareholders. And as an associate at Bickel & Brewer, a premier commercial litigation boutique, he represented clients in a variety of regulatory and commercial matters.

John earned his B.S. in Economics from The Wharton School at the University of Pennsylvania, as well as an M.A. in Chinese from the University of Pennsylvania's Graduate School of Arts and Sciences. John received his J.D. from New York University School of Law.

John is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York and the District of Colorado. He is an active member of the New York County Lawyers Association

Bradley Silverman



Mr. Silverman is a highly experienced litigator. He has represented individuals and public and private companies in courts throughout the country. He has broad experience handling numerous types of disputes. This experience includes the representation of plaintiffs and defendants in: class actions; contract disputes; employment matters; disputes relating to the management and control of closely held businesses; intellectual property and trade secret disputes; RICO actions; antitrust and unfair competition matters; real estate disputes; Title IX and other claims relating to college disciplinary actions; challenges to local and state laws that are either unconstitutional or preempted by federal law; and actions to enforce First

Amendment Rights.

At FBFG, Mr. Silverman's practice focuses on class actions in which he represents individuals across the country who have been harmed by the unlawful acts of companies. Past class actions in which he has been involved include *In re: Coca-Coca Products Marketing and Sales Practices Litigation*, a multidistrict litigation where Mr. Silverman's prior firm served as co-lead counsel for all plaintiffs. In that case and in other cases, he has asserted claims against some of the largest food manufacturers in the world for placing illegal, deceptive, and false statements on product labels.

Prior to joining FBFG, Mr. Silverman practiced at several of the leading litigation firms in New York City, including the international law firm of Kaye Scholer LLP (now Arnold & Porter Kaye Scholer LLP). He received his undergraduate degree, *Magna Cum Laude*, from Brandeis University. He received his law degree from the University of Pennsylvania Law School where he served as a member of the Moot Court Board and as Senior Editor of the *Journal of International Economic Law*. Born and raised in Brooklyn, New York, he and his family now reside in Westchester County.

Andrew White

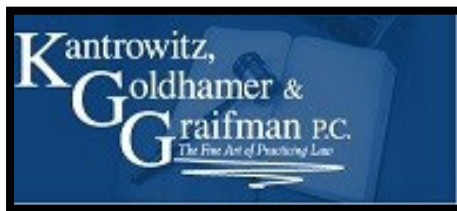


Mr. White is an associate at FBFG, where he specializes in class actions in state and federal courts. Mr. White received his J.D. from New York University School of Law and his B.A. from State University of New York, College at Potsdam. During law school, Mr. White served as an editor for the Journal of Law and Liberty. Mr. White is admitted to practice in New York and in the United States District Court for the Southern District of New York.

EXHIBIT C

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KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C. (“KGG”) has a nationwide class action practice and has litigated numerous cases involving complex business litigation, consumer class actions and securities class actions. The firm has litigated a number of cases resulting in reported decisions, including cases of first impression. The firm also has an active personal injury and medical malpractice practice, chaired by Barry S. Kantrowitz, and represents clients in mass tort actions.

GARY S. GRAIFMAN is a partner in the Firm and co-chair of the Consumer Class Action Litigation Group at KGG with Melissa R. Emert. Mr. Graifman specializes in the area of consumer and securities class action litigation. He is admitted to practice before the courts of the State of New York, the State of New Jersey, the United States Federal Courts for the Southern District of New York, the Eastern District of New York, the Northern District of New York, the District of New Jersey, the United States Court of Appeals for the First Circuit, Second Circuit, Third Circuit and the Eighth Circuit. He is also a member of the Class Action Committee of the New Jersey State Bar Association. Mr. Graifman is rated “AV-Preeminent” by Martindale Hubbell and has been nominated by Super Lawyers Magazine as a New Jersey Super Lawyer for 2010-2021. He has been a panelist and speaker on class action issues before various bar organizations including those sponsored by the Class Action Committee of the New Jersey State Bar Association and by the National Employment Lawyers Association, New York Chapter.

A sampling of some of the cases Mr. Graifman has recently been involved in include:

- *In re Volkswagen Timing Chain Products Liability Class Action*, 16-cv-2765 (JLL) (D.N.J.). Mr. Graifman and the Firm served as Co-Lead Counsel in this products liability class action which was settled on a nationwide basis on behalf of the owners and lessees of approximately 477,000 class vehicles. Final approval was granted to the Settlement on December 14, 2018. The Settlement provided one hundred percent reimbursement for timing chain repairs to class members and was valued at approximately \$50 million (inclusive of warranty extension repairs).
- *In re Home Depot Consumer Data Security Breach Litig.*, 1:14-MD-02583-TWT (N.D.Ga.). Mr. Graifman and the Firm served on the five member Plaintiffs’ Steering Committee in this massive data breach consumer class action affecting approximately 50 million consumers which was settled on a nationwide basis in 2016. The settlement was valued at approximately \$27 million.
- *In re Premera Blue Cross Customer Data Security Breach Litig.* 3:15-md-2633 (D. Ore). Mr. Graifman and the Firm were one of the counsel in the *Premera Blue Cross Customer Data Breach* Matter, having done substantial and essential work in the case, which was given Final Approval in early March 2020. The firm’s client was the sole named plaintiff

and representative for the putative California state subclass. The California subclass asserted a claim under the California Confidential Medical Information Act, Cal. Civ. Code §§ 56, *et seq.* which was sustained by Court on a motion to dismiss. The matter settled and final approval was granted on March 2, 2020. Under the terms of the settlement approved, the California subclass was entitled to additional compensation as a result of the California CMIA claim.

- *Oliver, et al. v. Bayerische Motoren Werke Aktiengesellschaft, et al.*, 2:17-cv-12979-CCC-MF (D.N.J.). Mr. Graifman and the Firm served as Co-Lead Counsel on this case which involved defective electric coolant pumps on various BMW model vehicles. The matter settled and Final Approval was granted on March 9, 2021. The class includes approximately 563,227 vehicles. The Settlement is valued at approximately \$30 Million.
- *Coffeng, et al. v. Volkswagen Group of America, et al.*, 3:17-cvb—01825-JD (N.D. Cal.). Mr. Graifman and the Firm serve as Co-Lead Counsel on this consumer class action involving defective water pumps in a multitude of Volkswagen and Audi model vehicles. Final Approval was granted to the settlement on May 14, 2020. The case encompassed a nationwide class of owners and lessees of approximately 873,779 class vehicles and was valued at approximately \$22 million.
- *Chiarelli, et al. v. Nissan, N.A. and Duncan, et al. v. Nissan N.A.*, 14-CV-4327(NGG) (E.D.N.Y.) and 1:16-CV-12120-DJC (D. Mass.), these two companion cases involve multi-state claims concerning defective timing chains on various Nissan model vehicles and involve claims in the states of Massachusetts, New York, Texas, Florida, North Carolina, Maryland, Colorado and Oregon. Final Approval was granted to the settlement on August 25, 2020 before Judge Denise Casper in the U.S. District Court for the District of Massachusetts.
- *Seifi, et al. v. Mercedes-Benz USA, LLC*, 3:12-cv-5495-TEH (N.D. Ca.). Mr. Graifman and the Firm served as co-lead counsel in this litigated consumer class action seeking reimbursement for repairs to various Mercedes model vehicles due to a balance shaft defect. The action settled on a nationwide basis in 2015, valued at approximately \$25 million.
- *In re Rambus Securities Inc. Litigation.*, 06-c-v4346-JF (U.S. District Ct., N.D. Cal.) Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this securities class action involving allegations of backdating of options. The matter was settled for \$18.33 million and approved on May 14, 2008.
- *Sheris v. Nissan North America, Inc.*, 07-cv-2516 (WHW) (U.S. District Ct., D. New Jersey). Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this consumer class action against Nissan for alleged brake defect in the 2005 G35x model vehicle. The Court certified a New Jersey settlement class which involved reimbursement of the cost of brake and rotor replacement up to \$340 per brake replacement.

- *Szymczak v. Nissan N. Am. Inc.* (S.D.N.Y.), Case No. 10-cv-0-7493 (VB) (U.S. District Ct., S.D.N.Y.). Mr. Graifman and the Firm served as co-lead counsel in this litigated consumer class action seeking reimbursement for repairs to Nissan Pathfinder, Xterra or Frontier vehicles caused by cross-contamination of radiator fluid with transmission fluid seeping into the transmission. The matter was settled with Defendants agreeing to extend the warranty to 100,000 miles or 10 years and pay for the repairs during that extended mileage and time period, subject to certain deductibles that applied. The nationwide class action settlement, which involved approximately 300,000 vehicles was approved by the Court in May 2013. The settlement was valued at approximately \$17 million.
- *Jermyn v. Best Buy Stores, L.P.*, 1:08-cv-00214 (CM) (U.S. District Ct., S.D.N.Y.). Mr. Graifman and the Firm served as Co-Lead Counsel in this litigated consumer class action certified as a New York consumer class by Hon. Colleen McMahon. The class consisted of Best Buy purchasers who were denied price match guarantees by Best Buy. The matter settled on a class-wide basis shortly before trial.
- *Lubitz, et al. v. DaimlerChrysler Corp.*, BER-L-4883-04 (New Jersey Superior Court, Bergen Co.) Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this consumer class action against DaimlerChrysler Corp. The Court certified a nationwide settlement class and approved a settlement valued at \$14.5 million to owners of Jeep Grand Cherokees, model years 1999 through 2004.
- *In re Trend Micro Class Action Litigation*, Case No. CV 11-02488 (RMW) (U.S. District Ct., N.D. Calif.). Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this consumer class action concerning the failure to provide the remaining time left on current trial subscriptions when the subscriber on the trial subscription converted to a paid subscription. The case was settled in 2013 and Final Approval of the settlement was entered November 15, 2013 by the Court granting subscribers cash refunds or credit towards their future subscriptions and changing the policy of the Company going forward.
- *In re Symantec Class Action Litig.*, 1-05-cv-053711 (Superior Ct. Of State of California, Co. Of Santa Clara) (Komar, J.). Mr. Graifman and the Firm served as Co-Lead counsel in this consumer class action involving the cut-off of subscription time when the subscriber to Norton's anti-virus software renewed or upgraded earlier than the end of the then-current subscription. After the class was certified upon a litigated motion, the matter was settled for a cash payment or a voucher for further use with the anti-virus subscription (at the consumer's option), with the settlement valued in excess of \$5 million.
- *Lowrance, et al. v. Equinox International Corp.*, 2:99-cv-0969 (D.Nev.). Mr. Graifman and the Firm participated in trying a nationwide consumer class action case in the District of Nevada against multi-level marketing company, Equinox, International Corp. through the entire bench trial, and settling the matter on or about the last day of trial before Judge Johnnie B. Rawlinson, just prior to her elevation to the U.S. Court of Appeals for the Ninth Circuit. The matter was tried with other plaintiffs' counsel, who Mr. Graifman second-

seated, and a multi-state Attorney General Task Force and resulted in the liquidation of Equinox and a settlement fund in excess of \$30 million to repay Equinox distributors.

MELISSA R. EMERT, ESQ., has been representing aggrieved stockholders and consumers for more than 30 years. Ms. Emert recently joined KGG after spending most of her career at a national class action firm where she founded and was Co-Chair of its Consumer and Antitrust Class Action Litigation Groups. Ms. Emert's practice focuses on consumer, antitrust and securities class actions. She has litigated cases throughout the United States and held prominent leadership positions in many large multidistrict litigations ("MDLs"). Melissa is a member of the New York State Bar and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York. Melissa graduated from Brooklyn Law School with a Juris Doctor in 1988 and received a Bachelor of Arts from the State University of New York at Stony Brook in 1985.

Examples of Ms. Emert's nationwide class action experience include:

- Court-appointed Co-Lead Counsel in *Carder v. Graco Children's Products, Inc.*, 2:20-cv-00137-LMM (N.D. Ga. 2021) (alleging state consumer protection and common law claims on behalf of consumers resulting from defendant's defective and allegedly unsafe children's car seat products);
- Court appointed Co-Lead Counsel in *In re: Daily Fantasy Sports Litig.*, 1:16-md-02677-GAO (D. Mass 2016) (alleging violations of state consumer protection statutes and common law claims on behalf of consumers participating in defendants' online fantasy sports websites).
- Court appointed member of plaintiffs' executive committee in *In re: Hill's Pet Nutrition, Inc. Dog Food Products Liability Litig.*, 19-md-2887 (D. Kan.) (alleging violations of state consumer protection statutes and common law on behalf of consumers who purchased dog food that contained toxic levels of Vitamin D).
- Discovery Committee in a court approved leadership structure in *In re: Rock 'N Play Sleeper Marketing, Sales Practices, and Products Liability Litigation*, 1:19-md-2903 (W.D.N.Y. 2019) (alleging violations of state consumer protection statutes and common law claims on behalf of consumers who purchased the defective and inherently unsafe Fisher-Price Rock 'n Play Sleeper for their infant children).
- Court appointed member of Plaintiffs' Steering Committee in *In re: Intel Corp. CPU Marketing and Products Liability Litig.*, 3:18-md-02828 (D. Or. 2018) (claims on behalf of Intel processor users that have been affected by Intel's alleged defective processors).
- Court appointed member of Plaintiffs' Executive Committee in *In re: Apple Inc. Device Performance Litig.*, 5:18-md-02827 (N.D. Cal. 2018) (claims on behalf of iPhone and iPad users that have been affected by the alleged intentional slowdown of the processors).

- Court appointed member of Plaintiffs' Steering Committee in *In re: German Automotive Mfr. Antitrust Litig.*, 3:17-md-02796 (N.D. Cal. 2017) (alleging anticompetitive conduct in the market for German-made automobiles).
- Court appointed member of Plaintiffs' Steering Committee in *In Re: Sonic Corp. Customer Data Sec. Breach Litig.*, 1:17-md-02807 (N.D. Ohio 2017) (claims on behalf of persons allegedly affected by Sonic's data breach resulted in a class wide settlement).
- Class Representative Communications and Client Vetting Committee in a court approved leadership structure in *Echavarria, et al. v. Facebook, Inc.*, C 18- 05982 (N.D. Cal. 2018) (claims on behalf of persons that have been allegedly affected by Facebook's "View As" data breach).
- Co-Chair of Plaintiffs' Vetting Committee in a court approved leadership structure in *In re Wawa, Inc. Data Breach Litigation*, No. 19-6019 (E.D. Pa. 2019) (claims on behalf of persons affected by Wawa's data breach and had their personal information compromised).
- Court appointed Interim Class Counsel in *In re: Google Location History Litig.*, 5:18-cv-05062-EJD (N.D. Cal. 2019) (a privacy breach action alleging Google tracked millions of mobile device users' geolocation after falsely representing that activating certain settings will prevent the tracking).
- One of three lead co-counsel in *Hughley, et al. v. Univ. of Central Florida Bd. of Tr.*, 2016-CA-001654-O (9th Judicial Circuit, Florida) (February 2016 data breach; settled November 2017, with UCF spending an additional \$1,000,000 annually to protect students' and employees' personal information).

Melissa also has developed and oversees the following litigation, among others:

- *County of Osceola v. Purdue Pharma Inc.*, 6:18-cv-00164 (M.D. Fl.); *County of Alachua v. Purdue Pharma Inc.*, 1:18-cv-00086-MW-GRJ (N.D. Fl.); *County of Palm Beach v. Purdue Pharma Inc.*, 50-2018-CA-004109 (N.D. Fl.) (each alleging opioid manufacturers and distributors defrauded the counties, among others, to generate improper revenue at the county's expense).
- *In Re: Uber Tech., Inc., Data Sec. Breach Litig.*, 2:18-ml-02826-PSG-GJS (C.D. Cal.) (alleging a failure to secure and safeguard riders' and drivers' personally identifiable information ("PII") caused 57 million driver and rider accounts to be compromised).
- *In Re: 21st Century Oncology Customer Data Sec. Breach Litig.*, 8:16-md-02737 (M.D. Fla.) (October 2015 data breach in which the PII of more than two million 21 Century patients was compromise).
- *Suvino v. Time Warner Cable, Inc.*, 1:16-cv-07046 (S.D.N.Y.) (settled action which alleged violations of the Americans with Disabilities Act by Time Warner).
- *Guariglia et al v. The Procter & Gamble Company*, 2:15-cv-04307 (E.D.N.Y.) (settled action which alleged violations of law in connection with P&G's design, manufacture, marketing, advertising, and selling of Tide Pods).

DANIEL EDELMAN, ESQ., is an experienced commercial litigator and member of KGG's national Consumer Class Action Litigation Group, representing aggrieved plaintiffs in consumer fraud, data breach, automotive defect, biometric data privacy, and securities and shareholder actions. Mr. Edelman's practice also includes white collar defense, representing companies in governmental and regulatory agency investigations at the local, state and federal levels. Mr. Edelman has represented publicly owned and privately-held companies, including FINRA-member broker dealers, investment advisors, real estate investment and development companies and construction companies. Mr. Edelman has also represented high net-worth individuals in high profile business and partnership disputes, and also business umbrella organizations and their affiliates in complex commercial litigation. Typical matters include claims for fraud, breach of contract, business torts, defamation, and real estate litigation.

As an appellate advocate, Mr. Edelman has authored winning briefs before the New York State Supreme Court Appellate Division and the Second Circuit.

Mr. Edelman has also advised start-up companies on risk mitigation and employee handbook policies, and is experienced in drafting and reviewing various transactional, employment and vendor agreements, as well as entity formation documents.

Prior to practicing law, Daniel served as an associate director at CBS News in New York, where he worked for the *CBS Evening News with Dan Rather*, and CBS News Special Events. Daniel received his Juris Doctor from the Benjamin N. Cardozo School of Law and graduated *magna cum laude* from Brandeis University in 1998.

Daniel is a member of the Rockland County Bar Association and is admitted to practice law before the State Courts of New York and New Jersey, and the United States District Court for the Southern District of New York and District of New Jersey.

SARAH HAQUE, ESQ. is currently of counsel to Kantrowitz, Goldhamer & Graifman, P.C. with an emphasis in class action litigation. Ms. Haque received a Bachelor's of Commerce from McGill University in Montreal, Quebec, with a minor in Economics. Following her undergraduate experience, she attended State University of New York Buffalo Law School, and graduated in 2014. While in law school, Ms. Haque was an editor for the Buffalo Human Rights Law Review. She was also President of the Labor and Employment Relations Society and Treasurer of the Latin American Law Students Association. Ms. Haque has worked on various class actions with the firm, including the *In re Anthem Data Breach* litigation and the *In re Premera Data Breach* litigation.

WILLIAM T. SCHIFFMAN, ESQ., is a senior associate in the firm of Kantrowitz, Goldhamer & Graifman, P.C. Mr. Schiffman received his J.D. degree from Brooklyn Law School in 1974 and is admitted to practice in New York (1975), Texas (1976), and New Jersey (1981). Mr. Schiffman was Law Clerk to the Honorable Woodrow Seals, United States District Judge, Southern District of Texas from 1974-1977. In that position Mr. Schiffman was responsible for preparing decisions and orders on motions as well as observing trials and assisting Judge Seals in preparing finds of fact and conclusions of law.

From 1977-1979, Mr. Schiffman was associated with the law firm of Urban & Coolidge in Houston Texas. Mr. Schiffman's principal practice area was commercial litigation. From 1979 to 1985, Mr. Schiffman was an attorney for AT&T, first in the Long Lines Department in Atlanta, Georgia, and then in company headquarters in New Jersey. Mr. Schiffman's responsibilities were principally in the area of general litigation and the AT&T antitrust litigation prior to divestiture. From 1985 to 1993, Mr. Schiffman was with the law firm of Jacobi & Meyers, first as the managing attorney of several offices, then as New Jersey resident partner in charge of the northern New Jersey offices. The practice was principally in the area of litigation. From 1993 to date, Mr. Schiffman has been associated with Kantrowitz & Goldhamer, P.C., in New York, and its affiliate, Kantrowitz & Goldhamer in New Jersey. Mr. Schiffman's responsibilities are principally in the area of litigation including securities and employment class action, as well as complex contested matrimonial and general commercial litigation.

EXHIBIT D



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Our Firm

Strauss Borrelli PLLC is a premier civil litigation team focused on representing groups of individuals who have been harmed by corporate misconduct. We regularly represent clients in cases involving data misuse, illegal telemarketing, privacy intrusion, unfair employment practices, and defective products. Our efforts have earned us a reputation for achieving success in high-stakes and complex cases across the country.

At every step, we put the interests of our clients first.

We make the courtroom accessible to all.

At Strauss Borrelli, we understand that our legal system is out of reach for most individuals who have suffered at the hands of corporate wrongdoing. Time, money, and expertise act as barriers to judicial action. We confront these obstacles by empowering those affected to take collective action to seek relief.

We innovate and adapt.

As new technologies become available, our team learns and grows to make our processes faster, more effective, and less expensive. We challenge each other to continually evolve to meet the needs of our clients in an ever-changing world.

We know that people are our greatest resource.

Whether it be within our own team or with experts, co-counsel, or clients, we foster collaborative spaces. We know that good ideas can come from anyone, and the best ideas are forged when we work together. Our experiences have shown us that fresh perspectives coupled with legal expertise create smart strategies.

We understand the strength in numbers.

Too often, corporate transgressions go unchallenged. Together, we create a check against large companies' misconduct. By combining individual claims, we hold those who put profit over people accountable and achieve relief for all those injured by wrongdoings ranging from the annoyance of daily telemarketing calls to the devastation of a sudden mass layoff.

We commit to personal connections.

At every stage, we help clients understand the complex issues at hand and empower them to take an active role in their cases. We will always take the time to build relationships with our clients in order to understand what success means to them. In defining and reaching our goals, we advise with compassion and understanding.

Our Cases

CONSUMER PROTECTION

Fowler, et al. v. Wells Fargo Bank, N.A. (N.D. Cal.)

Filed on behalf of consumers who were overcharged fees on FHA mortgages. The case settled on a class-wide basis for \$30,000,000 in 2018, and final approval was granted in January 2019.

Jones, et al. v. Monsanto Company (W.D. Mo.)

Filed on behalf of individuals who purchased mislabeled RoundUp® products. The case settled on a class-wide basis in 2020 for \$39,550,000. Final approval was granted in May 2021 and the case is currently on appeal to the United States Court of Appeals for the Eight Circuit.

Crawford, et al. v. FCA US LLC (E.D. Mich.)

Filed on behalf of consumers who purchased or leased Dodge Ram 1500 and 1500 Classic vehicles equipped with 3.0L EcoDiesel engines between 2013 and 2019. Plaintiffs allege unfair, deceptive, and fraudulent practices in the Defendants' marketing and sale of vehicles with allegedly defective EGR coolers. This case is currently pending in the United States District Court for the Eastern District of Michigan.

In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation (N.D. Cal.)

Filed on behalf of consumers against Fiat Chrysler and Bosch alleging unfair, deceptive, and fraudulent practices in the Defendants' marketing and sale of certain EcoDiesel vehicles. The class contained over 100,000 vehicles, including 2014-2016 model-year Jeep Grand Cherokees and Dodge Ram 1500 trucks that were allegedly outfitted with devices that masked actual emission levels. The case settled on a class-wide basis for \$307,500,000, and final approval was granted in May 2019.

Rolland, et al. v. Spark Energy, LLC (D.N.J.)

Filed on behalf of consumers who were forced to pay considerably more for their electricity than they should otherwise have paid due to Spark Energy's deceptive pricing practices. Plaintiff alleges that Spark Energy engages in a bait-and-switch deceptive marketing scheme luring consumers to switch utility companies by offering lower than local utility rates. These lower rates are fixed for only a limited number of months and then switch to a variable market rate that is significantly

higher than the rates local utilities charge. The case settled on a class-wide basis for \$11,000,000 in 2022, and final approval was granted in December 2022.

Haines v. Washington Trust Bank (Wash. Sup. Ct., King Cty.)

Strauss Borrelli attorneys represented consumers who were charged \$35 overdraft fees by Washington Trust Bank on accounts that were never actually overdrawn. Plaintiff filed suit against Washington Trust Bank for the unfair and unlawful assessment of these overdraft fees. This case settled on a class-wide basis in 2021, and final approval was granted in November 2021.

Pryor v. Eastern Bank (Mass. Sup. Ct., Suffolk Cty.)

Strauss Borrelli attorneys represented consumers who were charged \$35 overdraft fees by Eastern Bank on accounts that were never actually overdrawn. Plaintiff filed suit against Eastern Bank for the unfair and unlawful assessment of these overdraft fees. This case settled on a class-wide basis in 2021, and final approval was granted in March 2021.

Benanav, et al. v. Healthy Paws Pet Insurance LLC (W.D. Wash.)

Strauss Borrelli represents consumers who were deceived by Healthy Paws Pet Insurance, an insurance provider that markets and administers pet insurance policies, regarding the true cost of its pet insurance policies. Plaintiffs allege that purchasers of Healthy Paws Pet Insurance's policies found that their policy premiums increased drastically from year to year, at a rate far outpacing the general costs of veterinary medicine, despite Healthy Paws Pet Insurance's representations to the contrary. This case is currently pending in the United States District Court for the Western District of Washington.

DATA BREACH

Walters v. Kimpton Hotel & Restaurant Group, LLP (N.D. Cal.)

Filed on behalf of consumers whose private information and personal identifiable information, including credit and debit card numbers, names, mailing addresses, and other personal information, was compromised and stolen from Kimpton Hotel & Restaurant Group by hackers. The case settled on a class-wide basis in 2018, and final approval was granted in July 2019.

Reetz v. Advocate Aurora Health, Inc. (Wis. Cir. Ct., Milwaukee Cty.)

Filed on behalf of employees of Aurora Advocate Health, the 10th largest not-for-profit integrated health care system in the United States, whose personally identifiable information was breached and stolen through an email phishing campaign beginning in January 2020. Many of these individuals have lost time

and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case settled in 2023.

Goetz v. Benefit Recovery Specialists, Inc. (Wis. Cir. Ct., Walworth Cty.)

Strauss Borrelli attorneys represented a class of consumers whose personal health information was compromised and stolen from Benefit Recovery Specialists, Inc., a Houston-based billing and collections services firm that provides billing and collection services to healthcare providers across the country. Many of these consumers have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case settled on a class-wide basis in 2022 and final approval was granted in July 2022.

In re BJC Healthcare Data Breach Litigation (Mo. Cir. Ct., St. Louis Cty.)

Strauss Borrelli attorneys represented a class of consumers whose personal health information was compromised and stolen from BJC Healthcare, a major regional health system. Many of these consumers lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case settled on a class-wide basis in 2021 and final approval was granted in September 2022.

Daum, et al. v. K & B Surgical Center, LLC (Cal. Sup. Ct., Los Angeles Cty.)

Strauss Borrelli attorneys represented a class of consumers whose personal health information and protected health information was compromised and stolen from K & B Surgical Center. Many of these consumers have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. The case settled in 2023.

In re: Netgain Technology, LLC, Consumer Data Breach Litigation (D. Minn.)

Filed on behalf of consumers whose personal identifiable information and protected health information was breached and stolen from Netgain Technology, LLC beginning in September 2020. Strauss Borrelli partner, Raina Borrelli, serves as a member of the Plaintiffs' Interim Executive Committee in this multidistrict litigation. Many of the individuals impacted by the breach have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently pending in The United States District Court for the District of Minnesota.

Dusterhoff, et al. v. OneTouchPoint Corp. (E.D. Wisc.)

Filed on behalf of 2.6 million consumers whose personal identifiable information and protected health information was breached and stolen from OneTouchPoint Corp., a mailing and printing services vendor, beginning in April 2022. Strauss

Borrelli partner, Raina Borrelli, serves as a member of the Plaintiffs' Steering Committee in this litigation. Many of the individuals impacted by the breach have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently pending in The United States District Court for the Eastern District of Wisconsin.

In re Lincare Holdings Inc. Data Breach Litigation (M.D. Fla.)

Filed on behalf of consumers whose personal identifiable information and protected health information was breached and stolen from Lincare Holdings Inc., a medical products and services provider, beginning in September 2021. Strauss Borrelli partner, Raina Borrelli, serves as a member of the Interim Executive Leadership Committee for plaintiffs and the class in this multidistrict litigation. Many of the individuals impacted by the breach have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently pending in The United States District Court for the Middle District of Florida.

Forslund, et al. v. R.R. Donnelley & Sons Company (N.D. Ill.)

Filed on behalf of consumers whose personal identifiable information was breached and stolen from R.R. Donnelley & Sons Company, a Fortune 500 marketing, packaging, and printing company, beginning in November 2021. Strauss Borrelli partner, Raina Borrelli, serves as interim co-lead counsel for plaintiffs and the class in this litigation. Many of the individuals impacted by the breach have lost time and money responding to the data breach and they face an ongoing risk of identity theft, identity fraud, or other harm. This case is currently pending in The United States District Court for the Northern District of Illinois.

DATA PRIVACY

Patterson v. Respondus, Inc., et al. (N.D. Ill.)

Filed on behalf of all persons who took an exam using Respondus' online exam proctoring software, Respondus Monitor, in the state of Illinois. Plaintiffs allege that Respondus collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. This case is currently pending in the United States District Court for the Northern District of Illinois.

Powell v. DePaul University (N.D. Ill.)

Strauss Borrelli attorneys represented a class of DePaul University students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric

information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleged that DePaul University collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case settled in 2023.

Fee v. Illinois Institute of Technology (N.D. Ill.)

Strauss Borrelli attorneys represented a class of Illinois Institute of Technology students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleged that Illinois Institute of Technology collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case settled in 2023.

Harvey v. Resurrection University (N.D. Ill.)

Strauss Borrelli attorneys represented a class of Resurrection University students located in the state of Illinois who were required to take exams using Respondus Monitor, which collects, uses, and discloses students' biometric identifiers and biometric information in violation of Illinois' Biometric Information Privacy Act. Plaintiff alleged that Resurrection University collects students' biometric identifiers and biometric information without written consent and without legally compliant written public policies. This case settled in 2023.

RIGHT OF PUBLICITY

Abraham, et al. v. PeopleConnect, Inc., et al. (N.D. California)

Filed on behalf of California residents against PeopleConnect alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that PeopleConnect violates these legal rights by using California residents' names and childhood photographs in advertisements promoting paid subscriptions to its website, classmates.com. The case is pending in the United States District Court for the Northern District of California.

Boshears, et al. v. PeopleConnect, Inc., et al. (W.D. Wash.)

Filed on behalf of Indiana residents against PeopleConnect alleging violations of Indiana's Right of Publicity Statute and Indiana's common law prohibiting misappropriation of a name or likeness. Plaintiffs allege that PeopleConnect violates these legal rights by using Indiana residents' personalities, including their names and childhood photographs, in advertisements promoting paid

subscriptions to its website, classmates.com. The case is currently on appeal before the United States Court of Appeals for the Ninth Circuit.

Loendorf v. PeopleConnect, Inc., et al. (N.D. Ill.)

Mackey v. PeopleConnect, Inc., et al. (N.D. Ill.)

Both actions were filed on behalf of Illinois residents against PeopleConnect alleging violations of Illinois' Right of Publicity Act and Illinois common law prohibiting unjust enrichment. Plaintiffs allege that PeopleConnect violates these legal rights by using Illinois residents' names, personas, and personal information in advertisements promoting paid subscriptions to its website, classmates.com, and unlawfully profiting from it. The cases are pending in the United States District Court for the Northern District of Illinois.

Sessa, et al. v. Ancestry.com Operations Inc., et al. (D. Nev.)

Filed on behalf of Nevada residents against Ancestry.com alleging violations of Nevada's right to publicity statute, Nevada law prohibiting deceptive trade practice, Nevada common law protection against Intrusion upon Seclusion, and Nevada Unjust Enrichment law. Plaintiffs allege that Ancestry.com violates these legal rights by knowingly misappropriating the photographs, likenesses, names, and identities of Nevada residents for the commercial purpose of selling access to and advertising them in Ancestry.com products and services without their prior consent. The case is pending in the United States District Court for the District of Nevada.

Braundmeier v. Ancestry.com Operations, Inc., et al. (N.D. Ill.)

Filed on behalf of Illinois residents against Ancestry.com alleging violations of Illinois' Right of Publicity Act and Illinois common law prohibiting unjust enrichment. Plaintiffs allege that Ancestry.com violates these legal rights by knowingly misappropriating the photographs, likenesses, names, and identities of Illinois residents for the commercial purpose of selling access to and advertising them in Ancestry.com products and services without their prior consent. The case is pending in the United States District Court for the Northern District of Illinois.

Spindler v. Seamless Contacts Inc. (N.D. Cal.)

Filed on behalf of California residents against Seamless Contacts Inc. alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that Seamless Contacts violates these legal rights by using California residents' names, likenesses, photographs, and personas in advertisements promoting paid subscriptions to its website, seamless.ai. The case is pending in the United States District Court for the Northern District of California.

Martinez v. ZoomInfo Technologies Inc. (W.D. Wash.)

Filed on behalf of California residents against ZoomInfo Technologies Inc. alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that ZoomInfo Technologies violates these legal rights by using California residents' names and person information in advertisements promoting paid subscriptions to its website, zoominfo.com, as well as selling access to their names and personal information as part of its products. The case is currently on appeal before the United States Court of Appeals for the Ninth Circuit.

Gbeintor v. DemandBase, Inc., et al. (N.D. Cal.)

Filed on behalf of California residents against DemandBase, Inc. and InsideView Technologies, Inc. alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that DemandBase and InsideView Technologies violate these legal rights by using California residents' names, likenesses, photographs, and personas in advertisements promoting paid subscriptions to its website, insideview.com, without their consent. The case is currently on appeal before the United States Court of Appeals for the Ninth Circuit.

Kellman, et al. v. Spokeo, Inc. (N.D. Cal.)

Filed on behalf of California residents against Spokeo, Inc. alleging violations of California law that recognizes the intellectual property and privacy rights of individuals to control the commercial use of their names and likenesses. Plaintiffs allege that Spokeo violates these legal rights by using California residents' names, likenesses, photographs, and personas in advertisements promoting paid subscriptions to its website without their consent. The case is pending in the United States District Court for the Northern District of California.

TELEPHONE CONSUMER PROTECTION ACT***Evans v. American Power & Gas, LLC, et al. (S.D. Ohio)***

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The case settled on a class-wide basis for \$6,000,000, and final approval was granted in May 2019.

Murray, et al. v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh (D. Mass.)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The case settled on a class-wide basis for \$14,000,000 in 2020. Final approval was granted in October 2021 and the case is currently on appeal to the United States Court of Appeals for the First Circuit.

Baldwin, et al. v. Miracle-Ear, Inc., et al. (D. Minn.)

Filed on behalf of consumers who received automated or prerecorded telemarketing telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* The case settled on a class-wide basis for \$8,000,000 in 2021 and final approval was granted in October 2022.

Goodell, et al. v. Van Tuyl Group, LLC (D. Az.)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case settled in 2023.

Doup v. Van Tuyl Group, LLC (N.D. Tex.)

Filed on behalf of consumers who received solicitation telephone calls on their cellular and residential telephones that were listed on the National Do-Not-Call Registry, without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case settled in 2023.

Dickson v. Direct Energy, LP, et al. (N.D. Ohio)

Filed on behalf of consumers who received automated or prerecorded telemarketing telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case is currently pending in the United States District Court for the Northern District of Ohio.

Learned, et al. v. McClatchy Company, LLC (E.D. Cal.)

Filed on behalf of consumers who received solicitation telephone calls on their cellular and residential telephones that were listed on the National Do-Not-Call Registry and/or who requested Defendant stop calling them, without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case settled in 2023.

Rogers, et al. v. Assurance IQ, LLC, et al. (W.D. Wash.)

Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones, some that were listed on the National Do-Not-Call Registry, without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* This case is currently pending in the United States District Court for the Western District of Washington.

Our Professionals

SAMUEL J. STRAUSS

Samuel J. Strauss is a founding member of Strauss Borrelli PLLC. Mr. Strauss concentrates his practice in class action litigation with an emphasis on consumer protection and privacy issues. Mr. Strauss has a national practice and appears in federal courts across the country. Over the course of his career, Mr. Strauss has represented plaintiffs in cases which have resulted in the recovery of hundreds of millions of dollars for consumers.

Mr. Strauss received his J.D. with honors from the University of Washington School of Law in 2013. Prior to forming Strauss Borrelli in 2024, Mr. Strauss was a founding member of Turke & Strauss in 2016, in Madison, Wisconsin, where he successfully prosecuted complex class actions in federal and state courts.

Mr. Strauss is a member of bars of the states of Washington, Wisconsin, and Illinois and has been admitted to practice in the United States District Court for the Western District of Washington, United States District Court for the Eastern District of Washington, United States District Court for the Western District of Wisconsin, the United States District Court for the Eastern District of Wisconsin, the United States District Court for the Northern District of Illinois, the United States District Court for the Eastern District of Michigan, and the United States Court of Appeals for the Ninth Circuit.

In recent years, Mr. Strauss has been actively involved in a number of complex class action matters in state and federal courts including:

- *Daum, et al. v. K & B Surgical Center, LLC*, No. 21STCV41347 (Cal. Sup. Ct., Los Angeles Cty.)
- *Reetz v. Advocate Aurora Health, Inc.*, No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Joyner v. Behavioral Health Network, Inc.*, No. 2079CV00629 (Mass. Sup. Ct., Hampden Cty.)
- *In re BJC Healthcare Data Breach Litigation*, No. 2022-CC09492 (Mo. Cir. Ct., St. Louis City)
- *Baldwin, et al. v. National Western Life Insurance Company*, No. 2:21-cv-04066 (W.D. Mo.)

- *Pryor v. Eastern Bank*, No. 1984CV03467-BLS1 (Mass. Sup. Ct., Suffolk Cty.)
- *Murray v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, No. 19-cv-12608 (D. Mass.)
- *Baldwin v. Miracle-Ear, Inc.*, No. 20-cv-01502 (D. Minn.)
- *Goodell v. Van Tuyl Group, LLC*, No. 20-cv-01657 (D. Az.)
- *Weister v. Vantage Point AI, LLC*, No. 21-cv-01250 (M.D. Fla.).
- *Lang v. Colonial Penn Life Insurance Company*, No. 21-cv-00165 (N.D. Fla.)
- *Mackey v. PeopleConnect, Inc.*, No. 1:22-cv-00342 (N.D. Ill.)
- *Sessa v. Ancestry.com Operations Inc., et al.*, No. 2:20-cv-02292 (D. Nev.)
- *Boshears v. PeopleConnect, Inc.*, No. 21-cv-01222 (W.D. Wash.)
- *Braundmeier v. Ancestry.com Operations, Inc.*, No. 1:20-cv-07390 (N.D. Ill.)
- *Martinez v. ZoomInfo Technologies Inc.*, No. 21-cv-05725 (W.D. Wash.)
- *Uhhariet v. MyLife.com, Inc.*, No. 21-cv-08229 (N.D. Cal.)
- *Kellman v. Spokeo, Inc.*, No. 21-cv-08976 (N.D. Cal.)
- *Patterson v. Respondus, Inc.*, No. 20-cv-07692 (N.D. Ill.)
- *Bridges v. Respondus, Inc.*, No. 21-cv-01785 (N.D. Ill.)
- *Hudock v. LG Electronics USA, Inc.*, No. 16-cv-1220 (D. Minn.)
- *Crawford v. FCA US LLC*, No. 20-cv-12341 (E.D. Mich.)
- *Klaehn, et al. v. Cali Bamboo, LLC*, No. 19-cv-01498 (S.D. Cal.)
- *Jones v. Monsanto Company*, No. 19-cv-00102 (W.D. Mo.)
- *Dickson v. Direct Energy, LP, et al.*, No. 18-cv-00182 (N.D. Ohio)
- *Rolland v. Spark Energy, LLC*, Case. No. 17-cv-02680 (D.N.J.)
- *Evans v. American Power & Gas, LLC*, No. 17-cv-00515 (S.D. Ohio)
- *Fowler v. Wells Fargo Bank, N.A.*, No. 17-cv-02092 (N.D. Cal.)
- *Wilkins v. HSBC Bank Nevada, N.A., et al.*, No. 14-cv-00190 (N.D. Ill.)
- *Ott v. Mortgage Investors Corporation*, No. 14-cv-00645 (D. Or)
- *Booth v. AppStack, et al.*, No. 13-cv-01533 (W.D. Wash.)
- *Melito v. American Eagle Outfitters, Inc.*, No. 14-cv-02440-VEC (S.D.N.Y.)
- *Spencer v. FedEx Ground Package System, Inc.*, No. 14-2-30110-3 SEA (Wa. Sup. Ct., King Cty.)

RAINA C. BORRELLI

Raina C. Borrelli is a founding member of Strauss Borrelli PLLC. Ms. Borrelli's practice focuses on complex class action litigation, including data privacy, Telephone Consumer Protection Act ("TCPA"), false advertising, and consumer protection cases in both state and federal courts around the country. Ms. Borrelli has served as lead, co-lead, and class counsel in numerous national class actions, including multi-district litigation. Additionally, Ms. Borrelli has substantial experience leading discovery teams in these complex class action matters, as well as in working with class damages experts and class damages models in consumer protection cases.

Ms. Borrelli received her J.D. *magna cum laude* from the University of Minnesota Law School in 2011. Prior to founding Strauss Borrelli, Ms. Borrelli was a partner at Gustafson Gluek, where she successfully prosecuted complex class actions in federal and state courts. Ms. Borrelli is an active member of the Minnesota Women's Lawyers and the Federal Bar Association, where she has assisted in the representation of *pro se* litigants through the *Pro Se* Project. Ms. Borrelli has repeatedly been named to the annual Minnesota "Rising Star" Super Lawyers list (2014-2021) by SuperLawyers Magazine. She has also been repeatedly certified as a North Star Lawyer by the Minnesota State Bar Association (2012-2015; 2018-2020) for providing a minimum of 50 hours of pro bono legal services.

Ms. Borrelli is a member of the Minnesota State Bar Association and has been admitted to practice in the United States District Court for the District of Minnesota, the United States District Court for the Eastern District of Wisconsin, the United States District Court for the Eastern District of Michigan, the United States District Court for the Northern District of Illinois, and the United States Court of Appeals for the Tenth Circuit.

In recent years, Ms. Borrelli has been appointed to leadership positions in a number of data privacy cases, including *In re Netgain Technology, LLC Consumer Data Breach Litigation*, No. 21-cv-01210 (D. Minn.) (Interim Executive Committee); *Dusterhoff, et al. v. OneTouchPoint Corp.*, No. 2:22-cv-00882 (E.D. Wisc.) (Plaintiffs' Steering Committee); *In re Lincare Holdings Inc. Data Breach Litigation*, No. 8:22-cv-01472 (M.D. Fl.) (Interim Executive Leadership Committee); *Forslund v. R.R. Donnelley & Sons Company*, No. 1:22-cv-04260 (N.D. Ill.) (interim co-lead counsel); *Medina v. PracticeMax Incorporated*, No. 2:22-cv-0126 (D. Az.) (Executive Leadership Committee); *In re C.R. England, Inc. Data Breach Litig.*, No. 2:22-cv-00374 (interim co-lead counsel); *Doe, et al. v. Knox College, Inc.*, No. 4:23-cv-04012 (C.D. Ill.) (co-lead counsel); and *In re OakBend Medical Center Data*

Breach Litigation, No. 4:22-cv-03740 (S.D. Tex.) (interim co-lead counsel). Ms. Borrelli has been substantially involved in a number of complex class action matters in state and federal courts including:

- *Daum, et al. v. K & B Surgical Center, LLC*, No. 21STCV41347 (Cal. Sup. Ct., Los Angeles Cty.)
- *Grogan v. McGrath RentCorp*, No. 3:22-cv-00490 (N.D. Cal.)
- *Benedetto, et al. v. Southeastern Pennsylvania Transportation Authority*, No. 210201425 (C.C.P. Phila.)
- *Reetz v. Advocate Aurora Health, Inc.*, No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Reese v. Teen Challenge Training Center, Inc.*, No. 00093 (C.C.P. Phila.)
- *Lhota v. Michigan Avenue Immediate Care, S.C.*, No. 2022CH06616 (Ill. Cir. Ct., Cook Cty.)
- *Johnson, et al. v. Yuma Regional Medical Center*, No. 2:22-cv-01061 (D. Az.)
- *Baldwin v. Miracle-Ear, Inc.*, No. 20-cv-01502 (D. Minn.)
- *Murray, et al. v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, No. 1:19-cv-12608 (D. Mass.)
- *Goodell v. Van Tuyl Group, LLC*, No. 20-cv-01657 (D. Az.)
- *Learned, et al. v. McClatchy Company LLC*, No. 2:21-cv-01960 (E.D. Cal.)
- *Lang v. Colonial Penn Life Insurance Company*, No. 21-cv-00165 (N.D. Fla.)
- *Martinez v. ZoomInfo Technologies Inc.*, No. 21-cv-05725 (W.D. Wash.)
- *Abraham, et al. v. PeopleConnect, Inc.*, No. 3:20-cv-09203 (N.D. Cal.)
- *Boshears v. PeopleConnect, Inc.*, No. 21-cv-01222 (W.D. Wash.)
- *Mackey v. PeopleConnect, Inc.*, No. 1:22-cv-00342 (N.D. Ill.)
- *Sessa v. Ancestry.com Operations Inc., et al.*, No. 2:20-cv-02292 (D. Nev.)
- *Braundmeier v. Ancestry.com Operations, Inc.*, No. 1:20-cv-07390 (N.D. Ill.)
- *DeBose v. Dun & Bradstreet Holdings, Inc.*, No. 2:22-cv-00209 (D.N.J.)
- *Gbeintor, et al. v. DemandBase, Inc., et al.*, No. 3:21-cv-09470 (N.D. Cal.)
- *Spindler v. Seamless Contacts Inc.*, No. 4:22-cv-00787 (N.D. Cal.)
- *Kellman, et al. v. Spokeo, Inc.*, No. 3:21-cv-08976 (N.D. Cal.)
- *Brown v. Coty, Inc.*, No. 1:22-cv-02696 (S.D.N.Y.)
- *Benanav v. Healthy Paws Pet Insurance LLC*, No. 2:20-cv-00421 (W.D. Wash.)
- *Spindler, et al. v. General Motors LLC*, No. 3:21-cv-09311 (N.D. Cal.)
- *Hudock v. LG Electronics USA, Inc.*, No. 16-cv-1220 (JRT/KMM) (D. Minn.)
- *Patterson v. Respondus, Inc.*, No. 1:20-cv-07692 (N.D. Ill.)
- *Powell v. DePaul University*, No. 1:21-cv-03001 (N.D. Ill.)
- *Fee v. Illinois Institute of Technology*, No. 1:21-cv-02512 (N.D. Ill.)

- *Harvey v. Resurrection University*, No. 1:21-cv-03203 (N.D. Ill.)
- *In re FCA Monostable Gearshifts Litig.*, No. 16-md-02744 (E.D. Mich.)
- *Zeiger v. WellPet LLC*, No. 17-cv-04056 (N.D. Cal.)
- *Wyoming v. Procter & Gamble*, No. 15-cv-2101 (D. Minn.)
- *In re Big Heart Pet Brands Litig.*, No. 18-cv-00861 (N.D. Cal.)
- *Sullivan v. Fluidmaster*, No. 14-cv-05696 (N.D. Ill.)
- *Rice v. Electrolux Home Prod., Inc.*, No. 15-cv-00371 (M.D. Pa.)
- *Gorzynski v. Electrolux Home Products, Inc.*, No. 18-cv-10661 (D.N.J.)
- *Reitman v. Champion Petfoods*, No. 18-cv-1736 (C.D. Cal.)
- *Reynolds, et al., v. FCA US, LLC*, No. 19-cv-11745 (E.D. Mich.).

CASSANDRA MILLER

Cassandra Miller is a partner at Strauss Borrelli PLLC whose practice focuses on complex class action litigation, including consumer protection, privacy, data breaches, and product liability. Ms. Miller is adept at navigating the intricate legal landscapes of both state and federal courts across the nation. Additionally, Ms. Borrelli has substantial experience leading teams in these complex class action matters.

Ms. Miller received her J.D. *magna cum laude* from the University of Illinois Chicago School of Law in 2006. Prior to joining Strauss Borrelli, Ms. Miller was a managing partner at Edelman Combs Lattuner & Goodwin, LLC. There, Ms. Miller handled a wide range of consumer protection claims under key statutes such as the Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), Uniform Commercial Code (UCC), Telephone Consumer Protection Act (TCPA), and Truth in Lending Act (TILA), as well as the Illinois Consumer Fraud and Deceptive Practices Act (ICFA), alongside related state and federal consumer statutes.

Ms. Miller is a member of the Illinois State Bar Association and has been admitted to practice in the United States District Court for the Northern District of Illinois, the United States District Court for the Central District of Illinois, the United States District Court for the Southern District of Indiana, the United States District Court for the Northern District of Indiana, and the United States Court of Appeals for the Seventh Circuit.

Ms. Miller has been substantially involved in a number of complex class action matters in state and federal courts including:

- *Pietras v. Sentry*, 513 F. Supp. 2d 983 (N.D. Ill. 2007)
- *Hernandez v. Midland Credit Mgmt.*, 2007 U.S. Dist. LEXIS 16054 (N.D. Ill. 2007)
- *Balogun v. Midland Credit Mgmt.*, 2007 U.S. Dist. LEXIS 74845 (S.D. Ind. 2007)
- *Miller v. Midland Credit Mgmt.*, 2009 U.S. Dist. LEXIS 18518 (N.D. Ill. 2009)
- *American Family Mutual Ins. Co. V. CMA Mortgage, Inc.*, 2008 U.S. Dist. LEXIS 30233 (S.D. Ind. 2008)
- *Herkert v. MRC Receivables Corp.*, 254 F.R.D. 344 (N.D. Ill. 2008)
- *Walker v. Calusa Investments, LLC*, 244 F.R.D. 502 (S.D. Ind. 2007)
- *Frydman v. Portfolio Recovery Associates, LLC*, 2011 U.S. Dist. LEXIS 69502 (N.D. Ill. 2011)
- *Webb v. Midland Credit Mgmt.*, 2012 U.S. Dist. LEXIS 80006 (N.D. Ill. May 31,

2012)

- *Tabiti v. LVNV Funding, LLC*, 2017 U.S. Dist. LEXIS 5932 (N.D. Ill. Jan. 17, 2017), reconsideration denied, 2017 U.S. Dist. LEXIS 238583 (N.D. Ill., May 16, 2017)
- *Wheeler v. Midland Funding LLC*, 2020 U.S. Dist. LEXIS 52409 (N.D. Ill. July 31, 2017),
- *Magee v. Portfolio Recovery Assocs.*, 2016 U.S. Dist. LEXIS 61389 (N.D. Ill. May 9, 2016), reconsideration denied, 2016 U.S. Dist. LEXIS 123573 (N.D. Ill. Sept. 13, 2016)

BRITTANY RESCH

Brittany Resch is a partner at Strauss Borrelli PLLC. Ms. Resch's practice focuses on complex class action litigation, including data breach, privacy, Telephone Consumer Protection Act ("TCPA"), false advertising, and consumer protection cases in both state and federal courts around the country. Since 2022, Ms. Resch has served as an adjunct professor at the University of Minnesota Law School teaching a seminar on e-Discovery.

Ms. Resch received her J.D. from the University of Minnesota Law School in 2015, after which she clerked for the Honorable Richard H. Kyle, Senior United States District Judge for the District of Minnesota. Prior to joining Strauss Borrelli PLLC, Ms. Resch was an associate at Gustafson Gluek, where she prosecuted complex antitrust, consumer protection, and civil rights class actions in federal and state courts. Ms. Resch was named one of the Attorneys of the Year in 2019 by Minnesota Lawyer for her work representing a pro se litigant in federal court through the Pro Se Project. Ms. Resch was also named a Rising Star in 2020 and 2021 and a 2021 Up & Coming Attorney by Minnesota Lawyer.

Ms. Resch has been an active member in the Federal Bar Association for a decade, holding various leadership and committee positions. Ms. Resch also assists in the representation of pro se litigants through the District of Minnesota Federal Bar Association's Pro Se Project. Ms. Resch is also an active member of Minnesota Women Lawyers. Ms. Resch has also been certified as a North Star Lawyer by the Minnesota State Bar Association for providing a minimum of 50 hours of pro bono legal services (2023, 2021, 2020, 2019).

Ms. Resch is a member of the Minnesota State Bar Association and has been admitted to practice in the United States District Court for the District of Minnesota and the United States District Court for the Northern District of Illinois.

Ms. Resch recently has significant experience in data privacy litigation and is currently litigating more than fifty data breach cases in courts around the country as counsel on behalf of millions of data breach victims, including *McKittrick v. Allwell Behavioral Health Services*, Case No. CH-2022-0174 (Muskingum County, Ohio) (appointed class counsel for settlement purposes); *Hall v. Centerspace, LP*, Case No. 22-cv-2028 (D. Minn.); *Morrison v. Entrust Corp., et al.*, Case No. 23-cv-415 (D. Minn.); *Batchelor v. MacMillan, et al.*, Case No. 157072/2023 (New York County, NY); *Tribbia, et al., v. Hanchett Paper Company*, Case No. 2022 CH 3677 (Cook County, IL); *Benedetto v. Southeastern Pennsylvania Transportation*

Authority, No. 210201425 (C.C.P. Phila.); *Corra, et al. v. ACTS Retirement Services, Inc.*, No. 2:22-cv-02917 (E.D. Pa.); *Lamie, et al. v. LendingTree, LLC*, No. 3:22-cv-00307 (W.D.N.C); and *In re Lincare Holdings Inc. Data Breach Litigation*, No. 8:22-cv-01472 (M.D. Fl.). Additionally, in recent years, Ms. Resch has been substantially involved in a number of complex class action matters in state and federal courts including:

- *Emmrich v. General Motors LLC*, No. 21-cv-05990 (N.D. Ill.)
- *Spindler v. General Motors LLC*, No. 21-cv-09311 (N.D. Cal.)
- *DeBose v. Dun & Bradstreet Holdings, Inc.*, No. 2:22-cv-00209 (D.N.J.)
- *Gbeintor, et al. v. DemandBase, Inc., et al.*, No. 3:21-cv-09470 (N.D. Cal.)
- *Kellman, et al. v. Spokeo, Inc.*, No. 3:21-cv-08976 (N.D. Cal.)
- *Kis v. Cognism Inc.*, No. 4:22-cv-05322 (N.D. Cal.)
- *Benanav, et al. v. Healthy Paws Pet Insurance, LLC*, No. 2:20-cv-00421-RSM (W.D. Wash.)
- *Martinez v. ZoomInfo Technologies Inc.*, No. 21-cv-05725 (W.D. Wash.)
- *Abraham, et al. v. PeopleConnect, Inc.*, No. 3:20-cv-09203 (N.D. Cal.)
- *Boshears v. PeopleConnect, Inc.*, No. 21-cv-01222 (W.D. Wash.)
- *Mackey v. PeopleConnect, Inc.*, No. 1:22-cv-00342 (N.D. Ill.)
- *Sessa v. Ancestry.com Operations Inc., et al.*, No. 2:20-cv-02292 (D. Nev.)
- *Braundmeier v. Ancestry.com Operations, Inc.*, No. 1:20-cv-07390 (N.D. Ill.)
- *Spindler v. Seamless Contacts Inc.*, No. 4:22-cv-00787 (N.D. Cal.)
- *Uhhariet v. MyLife.com, Inc.*, No. 21-cv-08229 (N.D. Cal.)
- *Patterson v. Respondus University, et al.*, No. 1:20-cv-07692 (N.D. Ill.)
- *Bridges v. Respondus University, et al.*, No. 1:21-cv-01785 (N.D. Ill.)
- *In re Broiler Chicken Antitrust Litigation*, No. 16-cv-08637 (N.D. Ill.)
- *In re Pork Antitrust Litigation*, No. 21-md-02998 (D. Minn.)
- *Hudock v. LG Electronics USA, Inc.*, No. 16-cv-1220 (JRT/KMM) (D. Minn.)
- *In re Asacol Antitrust Litigation*, No. 15-cv-12730 (D. Mass.)

ALEX S. PHILLIPS

Alex Phillips is a partner at Strauss Borrelli PLLC. Mr. Phillips concentrates his practice in complex class action litigation and commercial litigation. He has represented both plaintiffs and defendants in high stakes litigation. Mr. Phillips has successfully obtained trial verdicts on behalf of his clients as well as negotiated numerous high-value settlements.

Mr. Phillips received his J.D. from the University of Wisconsin School of Law in 2017 and has been an active member of the Wisconsin State Bar as well as the Dane, Jefferson, and Dodge County Bar Associations.

In recent years, Mr. Phillips has been involved in a number of complex class action matters in state and federal courts including:

- *Benedetto v. Southeastern Pennsylvania Transportation Authority*, No. 210201425 (C.C.P. Phila.)
- *Grogan v. McGrath RentCorp*, No. 3:22-cv-00490 (N.D. Cal.)
- *Koeller, et al. v. Numrich Gun Parts Corporation*, No. 1:22-cv-00675 (S.D.N.Y.)
- *Mayhood v. Wilkins Recreational Vehicles, Inc.*, No. E2022-0701 (N.Y. Sup. Ct., Steuben Cty.)
- *Perkins v. WelldyneRx, LLC*, No. 8:22-cv-02051 (M.D. Fla.)
- *Batis v. Dun & Bradstreet Holdings, Inc.*, No. 3:22-cv-09124 (N.D. Cal.)
- *Sessa v. Ancestry.com Operations Inc., et al.*, No. 2:20-cv-02292 (D. Nev.)
- *Ambramson v. First American Home Warranty Corporation*, No. 2:22-cv-01003 (W.D. Pa.)
- *DeVivo v. Sovereign Lending Group Incorporated*, No. 3:22-cv-05254 (W.D. Wash.)
- *Murray, et al. v. Grocery Delivery E-Services USA Inc. d/b/a Hello Fresh*, No. 1:19-cv-12608 (D. Mass.)
- *Spindler v. General Motors LLC*, No. 21-cv-09311 (N.D. Cal.)
- *Kellman v. Spokeo, Inc.*, No. 21-cv-08976 (N.D. Cal.)
- *Reetz v. Advocate Aurora Health, Inc.*, No. 20CV2361 (Wis. Cir. Ct., Branch 22, Milwaukee Cty.)
- *Goetz v. Benefit Recovery Specialists, Inc.*, No. 2020CV000550 (Wis. Cir. Ct., Walworth Cty.)
- *Hudock v. LG Electronics USA, Inc.*, No. 16-cv-1220 (D. Minn.)
- *Dickson v. Direct Energy, LP, et al.*, No. 18-cv-00182 (N.D. Ohio)
- *Benanav. v. Healthy Paws Pet Insurance, LLC*, No. 20-cv-00421 (W.D. Wash.)
- *Klaehn, et al. v. Cali Bamboo, LLC, et al.*, No. 19-cv-01498 (S.D. Cal.)

EXHIBIT E



Mason 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 Personnel Management (OPM) data breach litigation (in which one of our attorneys was 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*



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. He is licensed to practice in the District of Columbia, State of Maryland, State of New York, and in numerous federal district courts across the country as well as the Second, Fourth, Fifth, Sixth, Seventh, Ninth and Federal Circuit Courts of Appeals, the U.S. Court of Federal Claims and the United States Supreme Court.

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 has represented more than 2,000 Customs and Border Patrol Agents in a 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 Personnel 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 in data breach cases to-date. Mr. Mason recently served as Liaison Counsel in a data breach case filed against the Office of Personnel Management. *In re U.S. Off. of Pers. Mgmt. Data Sec. Breach Litig.*, 266 F. Supp. 3d 1 (D.D.C. 2017) (final approval of a \$63 million settlement fund granted Oct. 26, 2022). He recently served as Co-Lead Counsel for the *Farley v. Eye Care Leaders* data breach matter related to the breach of over three million individuals' data, which was granted final approval on June 27, 2024, in the Middle District of North Carolina, No. 1:22-cv-00468, as well as Co-Lead Counsel in *Brim v. Prestige Care, Inc.*, No. 3:24-cv-05133 (W.D. Wash. Apr. 21, 2025) and *In re Planet Home Lending, LLC Data Breach*, No. 3:24-cv-00127 (D. Conn. Nov. 18, 2024). He currently serves as Co-Lead Counsel for the following pending cases: *Fazenbaker v. Cmty. Health Care, Inc.*, No. 1:24-cv-11170 (D.N.J. Apr. 29, 2024); *Hodge v. AHS Med. Holdings LLC*, No. 3:23-cv-01308 (M.D. Tenn. Mar. 15, 2024) (preliminary approval granted Oct. 9, 2024); *In re Tift Reg'l Health Sys., Inc. Data Breach Litig.*, No. 2023CV0313 (Ga. Super. Ct. Dec. 8, 2023); *Lawless v. D.C. Health Benefit Exchange Auth.*, No. 2023-CAB-001569 (D.C. Super. Ct. July 13, 2023) (preliminary approval granted Nov. 13, 2024); *Sharber v. FMC Servs., LLC*, No. 111219-D-CV (Tex. 320th Jud. Dist. Ct. Potter Cnty. Nov. 16, 2022); *Stinson v. Yum! Brands, Inc.*, No. 3:23-cv-00183 (W.D. Ky. June 6, 2024); and *Toussaint v. HanesBrands, Inc.*, No. 1:22-cv-00879 (M.D.N.C. Nov. 4, 2024) (preliminary approval granted Nov. 4, 2024).

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 lives in Bethesda, Maryland.

Danielle L. Perry
Partner



Danielle L. Perry is a partner at Mason LLP, and offers nearly a decade of class action litigation experience to the benefit of her clients. Graduating from the University of California, Berkeley in 2010 and from Loyola Law School, Los Angeles in 2013, Ms. Perry is licensed to practice in the State of California, District of Columbia, and in numerous federal district courts across the country as well as the U.S. Court of Federal Claims, and the Fifth, Seventh, and Federal Circuit Courts of Appeals. While Ms. Perry originally focused her career on employment law class actions, after her first few years of practice she expanded her experience and resume to cover numerous data breach and consumer class actions as well. Ms. Perry, either as an individual or as a member of her firm, has been named Class Counsel or appointed to leadership positions in numerous data breach class actions including: *Alexander v. Salud Fam. Health, Inc.*, No. 2023CV030580 (Colo. 19th Dist. Ct. Weld Cnty. Nov. 13, 2023) (Co-Lead Counsel); *Andersen v. Oak View Grp., LLC*, No. 2:24-cv-00719

(C.D. Cal.) (Co-Lead Class Counsel); *Askew v. Gas South, LLC*, No. 22106661 (Ga. Super. Ct. Cobb Cnty. Jan. 19, 2024) (Co-Lead Counsel); *Bandy v. TOC Enters., Inc.*, No. 3:23-cv-00598 (M.D. Tenn. Mar. 14, 2024) (Class Counsel); *Barletti v. Connexin Software Inc.*, No. 2:22-cv-04676 (E.D. Pa. July 24, 2024) (Plaintiffs' Steering Committee Member); *Cahill v. Mem'l Heart Inst., LLC*, No. 1:23-cv-00168 (E.D. Tenn.) (Class Counsel); *Cece v. St. Mary's Health Care Sys., Inc.*, No. SU20CV0500 (Ga. Super. Ct. Athens-Clarke Cnty. Apr. 4, 2022) (Class Counsel); *Colston v. Envision Credit Union*, No. 2022CA1476 (Fla. 2d Jud. Cir. Ct. Leon Cnty. Apr. 14, 2023) (Class Counsel); *Culp v. Fitzgibbon Hosp.*, No. 23SA-CV00020 (Mo. Cir. Ct. Saline Cnty. Sept. 20, 2024) (Class Counsel); *Dekenipp v. Gastroenterology Consultants, P.A.*, No. 202161470 (Tex. 295th Dist. Ct. Harris Cnty. Oct. 21, 2022) (Class Counsel); *Dunn v. Complete Payroll Sols., LLC*, No. 1:25-cv-30045 (D. Mass.) (Co-Lead Counsel); *Fernandez v. 90 Degree Benefits, LLC*, No. 2:22-cv-00799 (E.D. Wis. Nov. 17, 2023) (Co-Lead Counsel); *Gleason v. Methodist Hosps. of Dallas*, No. DC-22-14875 (Tex. Dist. Ct. Dallas Cnty.) (Co-Lead Counsel) (preliminary approval granted Jan. 27, 2025); *In re Flagstar Dec. 2021 Data Sec. Incident Litig.*, No. 4:22-cv-11385 (E.D. Mich.) (Plaintiffs' Executive Committee Member); *In re Fortra File Transfer Software Data Sec. Breach Litig.*, No. 1:24-md-03090 (S.D. Fla.) (Executive Committee Counsel Member) (preliminary approval granted Apr. 15, 2025); *In re MedStar Health Data Sec. Incident Litig.*, No. 1:24-cv-01335 (D. Md.) (Co-Lead Class Counsel); *In re NCB Mgmt. Servs., Inc. Data Breach Litig.*, No. 2:23-cv-1236 (E.D. Pa.) (Plaintiffs' Steering Committee Member) (preliminary approval granted May 13, 2025); *Krenk v. Murfreesboro Med. Clinic & SurgiCenter*, No. 75CCI-2023-CV-81005 (Tenn. 16th Jud. Dist. Cir. Ct. Rutherford Cnty.) (Plaintiffs' Executive Counsel Committee Member); *Lee v. Tex. Ear, Nose & Throat Specialists, PLLC*, No. 202184322 (Tex. 113th Jud. Dist. Ct. Harris Cnty. Dec. 7, 2023) (Class Counsel); *Pascute v. Amotec, Inc.*, No. CV23975539 (Ohio C.P. Ct. Cuyahoga Cnty. Feb. 22, 2024) (Class Counsel); *Payton v. Fam. Vision of Anderson, P.A.*, No. 2023CP0401636 (S.C. Ct. C.P. Anderson Cnty.) (Co-Lead Class Counsel); *Pessia v. Warren Gen. Hosp.*, No. 501 (Pa. 37th Jud. Dist. Ct. Warren Cnty. May 5, 2025) (Co-Lead Class Counsel); *Rasmussen v. Uintah Basin Healthcare*, No. 2:23-cv-00322 (D. Utah) (Co-Lead Counsel); *Richardson v. Overlake Hosp. Med. Ctr.*, No. 20-2-07460-8 SEA (Wash. Super. Ct. King Cnty. Sept. 10, 2021) (Class Counsel); *Rodriguez v. Mena Reg'l Health Sys.*, No. 2:23-cv-02002 (W.D. Ark.) (Co-Lead Counsel) (preliminary approval granted Feb. 12, 2025); *Rohrer v. Oak Valley Hosp. Dist.*, No. CV-23-005612 (Cal. Super. Ct. Stanislaus Cnty. Dec. 20, 2024) (Co-Lead Counsel); *Togba v. Chemonics Int'l, Inc.*, No. 1:24-cv-03510 (D.D.C.) (Co-Lead Counsel); and *Woods v. Albany ENT & Allergy Servs., P.C.*, No. 904730-23 (N.Y. Sup. Ct. Albany Cnty. Oct. 11, 2024) (Co-Lead Counsel).

Ms. Perry also has extensive experience providing support to appointed committees in MDL cases across the country. *See, e.g., In re Deva Concepts Prods. Liab. Litig.*, No. 1:20-cv-01234 (S.D.N.Y. Jan. 3, 2022) (Mason LLP served as court-appointed Co-Lead Counsel and Ms. Perry undertook significant work for clients and class members with extensive hair loss, leading client interviews, drafting pleadings, and preparing settlement and settlement approval papers); *In re Hill's Pet Nutrition, Inc. Dog Food Prods. Liab. Litig.*, No. 2:19-md-02887, MDL No. 2887 (D. Kan. Oct. 7, 2021) (Mason LLP served as court-appointed Co-Lead Counsel and Ms. Perry played a significant role for clients and class members who purchased dog food with sometimes lethal amounts of vitamin D, participating in client intake, discovery, and preparing settlement and settlement approval papers); *In re Marriott Int'l Inc., Customer Data Sec. Breach Litig.*, No. 8:19-md-02879 (D. Md.) (Ms. Perry contributed to the plaintiff interview process and drafting of the consolidated amended

complaint in data breach case); *In re U.S. Off. of Pers. Mgmt. Data Sec. Breach Litig.*, 266 F. Supp. 3d 1 (D.D.C. 2017) (Mason LLP served as Liaison Counsel, and Ms. Perry has completed research assignments in support of and at the request of Lead Counsel in data breach case). Additionally, Ms. Perry has also been appointed to the Leadership Development Committee in *In re SoClean, Inc., Mktg., Sales Practs. & Prods. Liab. Litig.*, where she works closely with Lead Counsel in all areas of litigation and fights for consumers' rights pertaining to the purchase of defective and/or unsafe products. No. 2:22-mc-00152, MDL No. 3021 (W.D. Pa. Apr. 27, 2022).

Outside of work, Ms. Perry enjoys being in the sun and on the water, is trying not to kill her garden, and is constantly planning future home renovations. Ms. Perry lives outside of Annapolis, Maryland.

Lisa A. White
Senior Attorney



Lisa A. White is a writer and researcher at heart, known for her attention to detail, optimism, and creative approach to legal problem-solving. Most of Lisa's work is in the federal court system, both in the District Courts and Circuit Courts of Appeals. She is licensed to practice in the State of Tennessee, and in numerous federal district courts across the country as well as the Seventh and Ninth Circuit Courts of Appeals.

Lisa's primary areas of practice are data breach litigation, product defect, product misrepresentation, and wage and hour class actions. Her role at Mason LLP frequently involves investigating and researching potential cases and claims prior to a complaint being filed, as well as drafting responsive pleadings, and leading the detailed research tasks that are required for and during litigation. In addition, she is actively involved in Mason LLP's mediations, from drafting premediation requests and mediation statements to participating in mediated resolutions to cases.

Prior to joining Mason LLP, Lisa practiced at another plaintiffs' class action firm, where she advocated for employees who were improperly paid, especially in the airline industry. She also worked on lawsuits related to defective products and deceptive advertising. She was frequently called on to research and draft appellate briefs.

Lisa returned to law school after completing her Bachelor's and Master's in Sociology from The University of Tennessee. She then worked for the University's Center for Literacy Studies and taught for a number of years at universities. She completed the coursework for her Ph.D. in American Studies at The College of William and Mary, then opted to go to law school—a lifelong goal. Lisa is a graduate of The University of Tennessee College of Law. While at The University of Tennessee College of Law, Lisa was a Co-Coordinator of the Tennessee Innocence Project, and was the Research Editor for the Tennessee Journal of Law and Policy. While a law student, she practiced in both the Domestic Violence Clinic and the Advocacy Clinic. Lisa has published peer-reviewed papers in three academic fields: law, sociology, and history.

Lisa and her family are avid travelers, and she has visited all seven continents. In addition, for three years, she worked remotely practicing class action law while living in Greymouth, New Zealand.

Theo B. Bell
Attorney



Theodore B. Bell (“Theo”) is Of Counsel at Mason LLP. Theo is an experienced attorney with over 25 years of litigation experience. Theo is admitted to practice law in both Illinois and Michigan and various federal courts around the country. Before recently joining Mason LLP, Mr. Bell’s prior work experience included over 12 years at a mid-sized nationwide class action firm where Mr. Bell focused his practice mainly on antitrust, as well as consumer and securities class actions. Theo’s previous work experience also includes working at a firm that focused on representing class action opt-outs in antitrust cases, another firm that represented workers’ compensation insurance carriers where he focused his practice on litigating premium fraud cases in federal court, as well as a general practice firm where Theo gained extensive experience litigating state court cases in a wide array of civil practice areas.

Notable cases that Mr. Bell has worked on include:

- *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, No. 2:10-cv-14360 (E.D. Mich. Sept. 30, 2019) (antitrust price-fixing case involving most-favored-nation agreements—\$29.9 million class settlement);
- *In re Dairy Farmers of Am. Cheese Antitrust Litig.*, No. 1:09-cv-03960 (N.D. Ill. Sept. 30, 2015) (antitrust price-fixing case involving manipulation of cheese and milk futures to raise prices of dairy products—\$46 million class settlement);
- *McDonough v. Toys “R” Us*, No. 2:06-cv-00242 (E.D. Pa. July 7, 2021) (antitrust case involving retail price maintenance—\$35.5 million class settlement);
- *In re Sulfuric Acid Antitrust Litig.*, No. 1:03-cv-04576 (N.D. Ill. Dec. 22, 2011) (antitrust price-fixing case involving output restrictions—class settlements totaling over \$6 million);
- *In re Groupon Derivative Litig.*, No. 1:12-cv-05300 (N.D. Ill. Apr. 7, 2017) (shareholder derivative suit involving materially false and misleading statements concerning Groupon’s business operations and financial condition prior to Groupon’s IPO—settlement obtained substantial beneficial corporate-governance reforms); and
- *Messner v. Northshore Univ. Health Sys.*, 669 F.3d 802 (7th Cir. 2012) (illegal monopolization and attempted monopolization through hospital mergers—Theo was part of the appellate team that successfully obtained reversal of the U.S. District Court’s denial of class certification).

Theo is a graduate of The University of Michigan, where he earned his Bachelor’s degree in Sociology, and the University of Detroit Mercy School of Law where Mr. Bell earned his law degree.

Ra O. Amen
Associate Attorney



Ra, a native of the California Bay Area, graduated from Stanford University with a degree in economics and from Emory University School of Law, with honors, where he was a Notes and Comments Editor for the Bankruptcy Developments Journal. Ra was previously an Associate at Hunton Andrews Kurth LLP and Morgan & Morgan's Complex Litigation Group. He is licensed to practice in the State of Georgia and the United States District Court for the Northern District of Georgia.

Ra has over seven years of complex litigation experience, specializing in consumer class actions, data breach and other privacy litigation. Ra was recently appointed as one of the Co-Lead Class Counsel in *In re First Chatham Bank Customer Data Sec. Breach Litig.*, No. SPCV25-00142 (Ga. Super. Ct. Chatham Cnty.) and *In re Nations Direct Mortg., LLC Data Breach Litig.*, No. 2:24-cv-00595 (D. Nev. Oct. 2, 2024) (data breach affecting over 83,000 individuals), as well as the Leadership Development Committee in *Geleng v. Ind. Living Sys., LLC*, No. 1:23-cv-21060 (S.D. Fla. Sept. 28, 2023) (data breach affecting over four million individuals). Ra was also an integral part of the team that recovered a \$190 million settlement for the class in *In re Cap. One Inc. Customer Data Sec. Breach Litig.*, No. 1:19-md-02915 (E.D. Va. Sept. 13, 2022) (data breach affecting 98 million individuals), where his discovery and briefing efforts helped facilitate said settlement.

Ra is also a former Peace Corps. Morocco volunteer and an avid guitarist having performed with, recorded with, and opened for a number of Grammy-nominated artists.

Salena J. Chowdhury
Associate Attorney



Salena Chowdhury is an associate attorney at Mason LLP. She is a graduate of the University of Tennessee College of Law. She also attended the University of Tennessee at Knoxville for her bachelor's where she majored in political science with a concentration in public administration and a minor in psychology. Salena has been admitted to the Illinois bar and to the District of Columbia bar.

Salena has had a passion for law since she was a kid. While Salena was still in high school, she began working at her first law firm. She continued to work at various law firms gaining a diverse area of legal experience throughout her undergraduate studies and law school.

Since joining Mason LLP Salena has gained experience in mediations, data breach, product defect, product misrepresentation, and wage & hour class actions. She is known for her quick learning curve and adaptability to challenges. Her role at Mason LLP is expanding as she takes on new responsibilities in major cases.

Salena comes from a large diverse family background. She values the time spent with her family. She enjoys outdoor activities like 4-wheeling, soccer, and playing with her dogs. Additionally, she loves to travel and to learn about other cultures.

NOTABLE CLASS ACTION CASES

Antitrust

In re TFT-LCD (Flat Panel) Antitrust Litig., No. 3:07-md-01827, MDL No. 1827 (N.D. Cal. Dec. 18, 2012) (combined settlement totaling nearly \$1.1 billion in suit alleging the illegal formation of an international cartel to restrict competition in the LCD panel market).

Products

Ersler v. Toshiba Am., Inc., No. 1:07-cv-02304 (E.D.N.Y. Feb. 24, 2009) (settlement of claims arising from allegedly defective television lamps).

Hill v. Canidae Corp., No. 5:20-cv-01374 (C.D. Cal. Sept. 28, 2021) (Gary Mason and Lisa White appointed Class Counsel).

Hurkes Harris Design Assocs., Inc. v. Fujitsu Comput. Prods. of Am., Inc., No. 812127 (Cal. Super. Ct. Santa Clara Cnty. Mar. 2004) (settlement provides \$42.5 million to pay claims of all consumers and other end users who bought certain Fujitsu Desktop 3.5” IDE hard disk drives).

In re SoClean, Inc., Mktg., Sales Pracs. & Prods. Liab. Litig., No. 2:22-mc-00152, MDL No. 3021 (W.D. Pa. Apr. 27, 2022) (Gary Mason appointed Co-Lead Counsel Mar. 25, 2022, and Danielle Perry appointed to the Leadership Development Committee Apr. 27, 2022).

In re Deva Concepts Prods. Liab. Litig., No. 1:20-cv-01234 (S.D.N.Y. Jan. 3, 2022) (Gary Mason appointed Co-Lead Counsel July 30, 2020; \$5.2 million settlement).

In re Hill's Pet Nutrition, Inc., Dog Food Prods. Liab. Litig., No. 2:19-md-02887, MDL No. 2887 (D. Kan. Oct. 7, 2021) (Gary Mason appointed Co-Lead Counsel July 13, 2019; \$12.5 million settlement).

Mink v. Maytag Corp., No. 03L47 (Ill. Cir. Ct. St. Clair Cnty. 2005) (class action settlement for owners of Maytag Neptune washing machines).

Perez v. Britax Child Safety, Inc., No. 0:19-cv-01735 (D.S.C. Oct. 29, 2020) (Gary Mason appointed Settlement Class Counsel).

Shaw v. Schell & Kampeter, Inc. d/b/a/ Diamond Pet Foods, No. 2:20-cv-01620 (W.D. Wash. Oct. 4, 2021) (Gary Mason and Lisa White appointed Class Counsel Apr. 23, 2021; \$4 million settlement).

Smid v. Nutranext, LLC, No. 20L0190 (Ill. Cir. Cit. St. Clair Cnty. July 29, 2020) (Gary Mason appointed Class Counsel Apr. 16, 2020; \$6.7 million settlement).

Stalcup v. Thomson, Consumer Elecs., Inc. (Ill. Cir. Ct. Madison Cnty. May 24, 2004) (\$100 million class settlement of claims that certain GE, PROSCAN and RCA televisions may have been

susceptible to temporary loss of audio when receiving broadcast data packages that were longer than reasonably anticipated or specified).

Swetz v. GSK Consumer Health, Inc., No. 7:20-cv-04731 (S.D.N.Y. Nov. 22, 2021) (Gary Mason appointed Co-Lead Counsel June 8, 2021; \$6.5 million settlement).

Tomlinson v. Mowi USA, LLC., No. 20-cv-09293 (S.D.N.Y. Nov. 29, 2021) (Mason LLP appointed Co-Lead Counsel; \$1.3 million settlement).

Turner v. Gen. Elec. Co., No. 2:05-cv-00186 (M.D. Fla. Sept. 13, 2006) (national settlement of claims arising from allegedly defective refrigerators) (Gary Mason appointed Class Counsel Dec. 22, 2005).

Automobiles

Berman v. Gen. Motors LLC, No. 2:18-cv-14371 (S.D. Fla. Oct. 5, 2018) (Co-Lead Counsel; national settlement for repairs and reimbursement of repair costs incurred in connection with Chevrolet Equinox excessive oil consumption).

Baugh v. Goodyear Tire & Rubber Co. (Ill. Cir. Ct. Madison Cnty. 2002) (class settlement of claims that Goodyear sold defective tires prone to tread separation when operated at highway speeds; Goodyear agreed to a combination of both monetary and non-monetary consideration to the Settlement Class in the form of an Enhanced Warranty Program and Rebate Program).

In re Gen. Motors Corp. Speedometer Prods. Liab. Litig., No. 2:07-cv-00291, MDL No. 1896 (W.D. Wash. Jan. 23, 2009) (national settlement for repairs and reimbursement of repair costs incurred in connection with defective speedometers).

Lubitz v. Daimler Chrysler Corp., No. L-4883-04 (N.J. Super. Ct. Bergen Cnty. 2006) (national settlement for repairs and reimbursement of repair costs incurred in connection with defective brake system; creation of \$12 million fund; 7th largest judgment or settlement in New Jersey).

Norman v. Nissan N. Am., Inc., No. 3:18-cv-00534 (M.D. Tenn. Mar. 10, 2020) (Gary Mason appointed Class Counsel July 16, 2019; litigation alleging damages from defective transmissions; national settlement extending warranty for 1.5 million vehicles).

Civil Rights

Bruce v. Cnty. of Rensselaer, No. 1:02-cv-00847 (N.D.N.Y. Sept. 24, 2004) (class settlement of claims that corrections officers and others employed at the Rensselaer County Jail (NY) engaged in the practice of illegally strip searching all individuals charged with only misdemeanors or minor offenses).

In re Black Farmers Discrimination Litig., No. 1:08-mc-00511 (D.D.C. Oct. 27, 2011) (\$1.25 billion settlement fund for black farmers who alleged U.S. Department of Agriculture discriminated against them by denying farm loans).

Commercial

In re Outer Banks Power Outage Litig., No. 4:17-cv-00141 (E.D.N.C. Sept. 21, 2018) (Co-Lead Counsel; \$10.35 million settlement for residents, businesses, and vacationers on Hatteras and Ocracoke Islands who were impacted by a 9-day power outage).

Construction Materials

Cordes v. IPEX, Inc., No. 1:08-cv-02220 (D. Colo. Oct. 7, 2009) (Plaintiffs' Steering Committee Member; class action arising out of defective brass fittings).

Elliott v. KB Home N.C. Inc., No. 08 CVS 21190 (N.C. Super. Ct. Wake Cnty. Apr. 17, 2017) (Lead Counsel; class action settlement for those whose homes were constructed without a weather-resistant barrier).

Galanti v. Goodyear Tire & Rubber Co., No. 03-cv-00209 (D.N.J. Nov. 23, 2004) (national settlement and creation of \$330 million fund for payment to owners of homes with defective radiant heating systems).

Helmer v. Goodyear Tire & Rubber Co., No. 1:12-cv-00685-RBJ, 2014 WL 3353264 (D. Colo. July 9, 2014) (class action arising from allegedly defective radiant heating systems; Colorado class certified).

Hobbie v. RCR Holdings II, LLC, No. 2:10-cv-01113, MDL No. 2047 (E.D. La. 2012) (\$30 million settlement for remediation of 364-unit residential high-rise constructed with Chinese drywall).

In re Allura Fiber Cement Siding Prods. Liab. Litig., No. 2:19-md-02886 (D.S.C.) (Lead Counsel; class action arising from allegedly defective cement board siding).

In re Atlas Roofing Corp. Chalet Shingle Prods. Liab. Litig., No. 1:13-md-02495, MDL No. 2495 (N.D. Ga. July 24, 2019) (Co-Lead Counsel; class action arising from allegedly defective shingles).

In re Chinese Manufactured Drywall Prods. Liab. Litig., No. 2:09-md-02047, MDL No. 2047 (E.D. La. 2012) (Co-Chair, Insurance Committee; litigation arising out of defective drywall).

In re Elk Cross Timbers Decking Mktg., Sales Pracs. & Prod. Liab. Litig., No. 15-cv-0018, MDL No. 2577 (D.N.J. 2017) (Lead Counsel; national settlement to homeowners who purchased defective GAF decking and railings).

In re Exterior Insulation Finish Sys. (EIFS) Prods. Liab. Litig., MDL No. 1132 (E.D.N.C.) (represented over 100 individual homeowners in lawsuits against homebuilders and EIFS manufacturers).

In re Lumber Liquidators Chinese-Manufactured Laminate Flooring Durability Mktg., Sales Pracs. Litig., No. 1:16-md-2743 (E.D. Va.) (Co-Lead Counsel; Durability case; \$36 million national class action settlement for members who purchased a certain type of laminate flooring).

In re MI Windows & Doors, Inc., Prods. Liab. Litig., No. 2:12-mn-00001, MDL No. 2333 (D.S.C. July 22, 2015) (Co-Lead Counsel; national class action settlement for homeowners who purchased defective windows).

In re Pella Corp. Architect & Designer Series Windows Mktg., Sales Pracs. & Prods. Liab. Litig., MDL No. 2514 (D.S.C.) (Co-Lead Counsel; class action arising from allegedly defective windows).

In re Synthetic Stucco Litig., No. 5:96-CV-287-BR(2) (E.D.N.C. Oct. 19, 1998) (Plaintiffs' Steering Committee Member; settlements with four EIFS Manufacturers for North Carolina homeowners valued at more than \$50 million).

In re Windsor Wood Clad Window Prods. Liab. Litig., No. 2:16-md-02688 (E.D. Wis. July 11, 2018) (Lead Counsel; national class action settlement for homeowners who purchased defective windows).

In re Zurn Pex Plumbing Prods. Liab. Litig., No. 0:08-md-01958, MDL No. 1958 (D. Minn. Feb. 27, 2013) (Executive Committee Member; class action arising from allegedly plumbing systems).

Posey v. Dryvit Sys., Inc., No. 17,715-IV (Tenn. Cir. Ct. 2002) (Co-Lead Counsel; national class action settlement provided cash and repairs to more than 7,000 claimants).

Smith v. Floor & Decor Outlets of Am., Inc., No. 1:15-cv-4316 (N.D. Ga.) (Co-Lead Counsel; national class action settlement for homeowners who purchased unsafe laminate wood flooring).

Staton v. IMI South (Ky. Cir. Ct.) (Co-Lead Counsel; class settlement for approximately \$30 million for repair and purchase of houses built with defective concrete).

Sutton v. Fed. Materials Co., No. 07-CI-00007 (Ky. Cir. Ct.) (Co-Lead Counsel; \$10.1 million class settlement for owners of residential and commercial properties constructed with defective concrete).

Environmental

Bell v. WestRock, CP, LLC, No. 3:17-cv-829-JAG (E.D. Va. June 15, 2020) (Gary Mason and Danielle Perry appointed Co-Lead Counsel; \$700,000 settlement of litigation alleging nuisance from wood dust from paper mill; class certified).

In re Swanson Creek Oil Spill Litig., No. 8:00-cv-01429-PJM (D. Md. 2002) (Lead Counsel; \$2.25 million settlement of litigation arising from largest oil spill in history of State of Maryland).

Nnadili v. Chevron U.S.A., Inc., No. 02-cv-1620 (D.D.C. 2008) (\$6.2 million settlement for owners and residents of 200 properties located above underground plume of petroleum from former Chevron gas station).

Fair Labor Standards Act (FLSA) / Wage and Hour

Craig v. Rite Aid Corp., No. 08-2317 (M.D. Pa. 2013) (\$20.9 million settlement for FLSA collective action and class action).

Lew v. Pizza Hut of Md., Inc., No. CBB-09-CV-3162 (D. Md. 2011) (FLSA collective action; statewide settlement for managers-in-training and assistant managers, providing recompense of 100% of lost wages).

Stillman v. Staples, Inc., No. 2:07-cv-00849 (D.N.J. 2009) (FLSA collective action, plaintiffs' trial verdict for \$2.5 million; national settlement approved for \$42 million).

Financial

Penobscot Indian Nation v U.S. Dep't of Housing & Urban Dev., No. 07-1282 (PLF) (D.D.C. 2008) (represented charitable organization which successfully challenged regulation barring certain kinds of down-payment assistance; Court held that HUD's promulgation of rule violated the Administrative Procedure Act).

Roberts v. Fleet Bank (R.I.), N.A., No. 00-6142 (E. D. Pa. 2003) (\$4 million settlement on claims that Fleet changed the interest rate on consumers' credit cards which had been advertised as "fixed.").

Insurance

Nichols v. Progressive Direct Ins. Co., No. 2:06-cv-146 (E.D. Ky. 2012) (Class Counsel; class action arising from unlawful taxation of insurance premiums; statewide settlement with Safe Auto Insurance Company and creation of \$2 million Settlement Fund; statewide settlement with Hartford Insurance Company and tax refunds of \$1.75 million).

Young v. Nationwide Mut. Ins. Co., No. 11-5015 (E.D. Ky. 2014), *class certified and affirmed on appeal*, 693 F.3d 532 (6th Cir. 2012) (series of class actions against multiple insurance companies arising from unlawful collection of local taxes on premium payments; settlements with all defendants for 100% refund of taxes collected).

Privacy / Data Breach

Alexander v. Salud Fam. Health, Inc., No. 2023CV030580 (Colo. 19th Dist. Ct. Weld Cnty. Nov. 13, 2023) (Danielle Perry appointed Co-Lead Counsel Aug. 14, 2023).

Alvarado v. JDC Healthcare Mgmt., LLC, No. DC-22-03137 (Tex. 95th Jud. Dist. Ct. Dallas Cnty. Aug. 22, 2023) (Gary Mason appointed Co-Lead Counsel Aug. 25, 2022).

Andersen v. Oak View Grp., LLC, No. 2:24-cv-00719 (C.D. Cal.) (Danielle Perry appointed Co-Lead Class Counsel May 15, 2024).

Angus v. Flagstar Bank, N.A., No. 2:21-cv-10657 (E.D. Mich.) (Gary Mason appointed to Executive Committee July 30, 2021).

Askew v. Gas South, LLC, No. 22106661 (Ga. Super. Ct. Cobb Cnty. Jan. 19, 2024) (Danielle Perry appointed Co-Lead Counsel Oct. 6, 2023).

Bailey v. Grays Harbor Cnty. Pub. Hosp. Dist., No. 20-2-00217-14 (Wash. Super. Ct. Grays Harbor Cnty. Sept. 21, 2020) (Gary Mason appointed Class Counsel May 27, 2020).

Baksh v. Ivy Rehab Network, Inc., No. 7:20-cv-01845-CS (S.D.N.Y. Jan. 27, 2021) (Gary Mason appointed Class Counsel Sept. 23, 2020).

Bandy v. TOC Enters., Inc., No. 3:23-cv-00598 (M.D. Tenn. Mar. 14, 2024) (Lisa White and Danielle Perry appointed Class Counsel Nov. 7, 2023).

Barletti v. Connexin Software Inc., No. 2:22-cv-04676 (E.D. Pa. July 24, 2024) (Danielle Perry appointed to Plaintiffs' Steering Committee Mar. 30, 2023).

Brim v. Prestige Care, Inc., No. 3:24-cv-05133 (W.D. Wash. Apr. 21, 2025) (Gary Mason appointed Co-Lead Counsel Apr. 1, 2024).

Cahill v. Mem'l Heart Inst., LLC, No. 1:23-cv-00168 (E.D. Tenn.) (Danielle Perry appointed Class Counsel Feb. 22, 2024).

Carr v. Beaumont Health, No. 2020-181002-NZ (Mich. Cir. Ct. Oakland Cnty. Oct. 29, 2021) (appointed Class Counsel June 23, 2021; data breach class action involving 112,000 people).

Cece v. St. Mary's Health Care Sys., Inc., No. SU20CV0500 (Ga. Super. Ct. Athens-Clarke Cnty. Apr. 4, 2022) (Danielle Perry appointed Class Counsel Dec. 15, 2021; data breach class action involving 55,652 people).

Chacon v. Nebraska Med., No. 8:21-cv-00070-RFR-CRZ (D. Neb. Sept. 15, 2021) (appointed Class Counsel June 4, 2021).

Chatelain v. C, L & W PLLC d/b/a Affordacare Urgent Care Clinics, No. 50742-A (Tex. 42d Jud. Dist. Ct. Taylor Cnty. Feb. 24, 2021) (appointed Class Counsel Nov. 5, 2020; data breach class action settlement valued at over \$7 million).

Colston v. Envision Credit Union, No. 2022CA1476 (Fla. 2d. Jud. Cir. Ct. Leon Cnty. Apr. 14, 2023) (Danielle Perry appointed Class Counsel Jan. 13, 2023).

Culbertson v. Deloitte Consulting LLP, No. 1:20-cv-03962 (S.D.N.Y. Apr. 1, 2022) (Gary Mason appointed Class Counsel Aug. 27, 2021).

Culp v. Fitzgibbon Hosp., No. 23SA-CV00020 (Mo. Cir. Ct. Saline Cnty. Sept. 20, 2024) (Danielle Perry appointed Class Counsel May 29, 2024).

Darrin v. Huntington Ingalls Indus., No. 4:23-cv-00053 (E.D. Va. Sept. 12, 2024) (Gary Mason appointed Co-Lead Counsel July 6, 2023).

Dekenipp v. Gastroenterology Consultants, P.A., No. 202161470 (Tex. 295th Jud. Dist. Ct. Harris Cnty. Oct. 21, 2022) (Danielle Perry appointed Class Counsel June 3, 2022; claims made settlement and 18 months credit monitoring for class of 162,000 patients).

Dunn v. Complete Payroll Sols., LLC, No. 1:25-cv-30045 (D. Mass.) (Danielle Perry appointed Co-Lead Counsel June 3, 2025).

Duran v. JPMorgan Chase & Co., No. 1:24-cv-03514 (S.D.N.Y. Jan. 30, 2025) (Gary Mason appointed Co-Lead Counsel July 29, 2024).

Farley v. Eye Care Leaders Holdings, LLC, No. 1:22-cv-468 (M.D.N.C. June 27, 2024) (Gary Mason appointed Co-Lead Counsel Oct. 3, 2022).

Fazenbaker v. Cmty. Health Care, Inc., No. 1:24-cv-11170 (D.N.J.) (Gary Mason appointed Co-Lead Class Counsel Apr. 29, 2024).

Fernandez v. 90 Degree Benefits, LLC, No. 2:22-cv-00799 (E.D. Wis. Nov. 17, 2023) (Mason LLP appointed Class Counsel July 21, 2023).

Gates v. W. Wash. Med. Grp., No. 23-2-08498-31 (Wash. Super. Ct. Snohomish Cnty.) (Gary Mason appointed to Plaintiffs' Executive Committee Mar. 7, 2024).

Gilbert v. BioPlus Specialty Pharm. Servs., LLC, No. 6:21-cv-02158 (M.D. Fla. Jan. 15, 2025) (Mason LLP appointed Class Counsel Mar. 5, 2024).

Gleason v. Methodist Hosps. of Dallas, No. DC-22-14875 (Tex. 134th Jud. Dist. Ct. Dallas Cnty.) (Danielle Perry appointed Class Counsel Jan. 27, 2025; preliminary approval granted Jan. 27, 2025).

Green v. EmergeOrtho, P.A., No. 22-CVS-3533 (N.C. Super. Ct. Durham Cnty. July 19, 2024) (Mason LLP appointed Class Counsel Feb. 23, 2024).

Guy v. Convergent Outsourcing, Inc., No. 2:22-cv-01558 (W.D. Wash. July 19, 2024) (Gary Mason appointed Co-Lead Counsel Dec. 21, 2022).

Hall v. AspenPointe, Inc., No. 2020CV32175 (Colo. 4th Dist. Ct. El Paso Cnty. Oct. 31, 2022) (Mason LLP appointed Co-Lead Class Counsel Mar. 15, 2021).

Haney v. Charter Foods N., LLC, No. 2:23-cv-00046 (E.D. Tenn.) (Lisa White and Mason LLP appointed Liaison Counsel June 7, 2024; preliminary approval granted Feb. 5, 2025).

Heath v. Ins. Techs. Corp., No. 3:21-cv-01444 (N.D. Tex. Jan. 4, 2023) (Gary Mason appointed Class Counsel Mar. 21, 2022).

Heath v. Steel River Sys., LLC, No. 2023-LA-000006 (Ill. 15th Jud. Cir. Ct. Whiteside Cnty. Jan. 8, 2024) (Mason LLP appointed Class Counsel Aug. 25, 2023).

Hernandez v. Ne. Orthopedics & Sports Med., PLLC, No. 031353/2024 (N.Y. Sup. Ct. Rockland Cnty.) (Gary Mason appointed Co-Lead Counsel July 23, 2024).

Hodge v. AHS Mgmt. Co., Inc., No. 23-cv-01308 (M.D. Tenn.) (Gary Mason appointed Co-Lead and Lisa White appointed Liaison Counsel Mar. 15, 2024) (preliminary approval granted Oct. 9, 2024).

In re Adobe Sys. Inc. Priv. Litig., No. 5:13-cv-05226 (N.D. Cal. Aug. 14, 2015) (Gary Mason appointed to Plaintiffs' Steering Committee Mar. 13, 2014; settlement requiring enhanced cybersecurity measures and audits).

In re Ambry Genetics Data Breach Litig., No. 8:20-cv-00791 (C.D. Cal. Mar. 6, 2023) (Gary Mason appointed to Plaintiffs' Steering Committee Aug. 24, 2020; \$12 million settlement).

In re Central Ind. Orthopedics Data Incident Litig., No. 18C03-2203-PL-000026 (Ind. Cir. Ct. Delaware Cnty. Aug. 18, 2023) (Mason LLP appointed Class Counsel Apr. 24, 2023).

In re Columbus Reg'l Healthcare Sys. Data Sec. Incident Litig., No. 24 CVS 88 (N.C. Super. Ct. Columbus Cnty. Apr. 30, 2025) (Gary Mason appointed Class Counsel Apr. 30, 2025).

In re Dept. of Veterans Affs. (VA) Data Theft Litig., No. 1:06-cv-00506, MDL No. 1796 (D.D.C. 2009) (Co-Lead Counsel representing veterans whose privacy rights had been compromised by the theft of an external hard drive containing personal information of approximately 26.6 million veterans and their spouses; creation of a \$20 million fund for affected veterans and a cy pres award for two non-profit organizations).

In re First Chatham Bank Customer Data Sec. Breach Litig., No. SPCV25-00142 (Ga. Super. Ct. Chatham Cnty.) (Ra Amen appointed Co-Lead Class Counsel Mar. 28, 2025).

In re Flagstar Dec. 2021 Data Sec. Incident Litig., No. 4:22-cv-11385 (E.D. Mich.) (Danielle Perry appointed to Plaintiffs' Executive Committee May 24, 2023).

In re Fortra File Transfer Software Data Sec. Breach Litig., No. 1:24-md-03090, MDL No. 3090 (S.D. Fla.) (Danielle Perry appointed Executive Committee Counsel Apr. 28, 2023 and to Plaintiffs' Track Lead for Cross Track Discovery Mar. 19, 2024; preliminary approval granted Apr. 15, 2025).

In re Google Buzz Priv. Litig., No. 5:10-cv-00672 (N.D. Cal. 2010) (Lead Class Counsel; \$8.5 million cy pres settlement).

In re MedStar Health Data Sec. Litig., No. 1:24-cv-01335 (D. Md.) (Danielle Perry appointed Co-Lead Class Counsel Nov. 7, 2024).

In re Nations Direct Mortg., LLC Data Breach Litig., No. 2:24-cv-00595 (D. Nev.) (Ra Amen appointed Co-Lead Class Counsel Oct. 2, 2024).

In re NCB Mgmt. Servs., Inc. Data Breach Litig., No. 2:23-cv-1236 (E.D. Pa.) (Danielle Perry appointed to Plaintiffs' Steering Committee June 5, 2023; preliminary approval granted May 13, 2025).

In re Planet Home Lending, LLC Data Breach, No. 3:24-cv-00127 (D. Conn. Nov. 18, 2024) (Gary Mason appointed Co-Lead Counsel Mar. 1, 2024).

In re U.S. Off. of Pers. Mgmt. Data Sec. Breach Litig., No. 15-1393 (ABJ), MDL No. 2664, 266 F. Supp. 3d 1 (D.D.C. 2017) (Gary Mason appointed Interim Liaison Counsel Jan. 28, 2016; \$63 million settlement fund granted Oct. 26, 2022).

In re Tift Reg'l Health Sys., Inc. Data Breach Litig., No. 2023CV0313 (Ga. Super. Ct. Tift Cnty.) (Gary Mason appointed Co-Lead Counsel Dec. 8, 2023).

Jackson-Battle v. Navicent Health, Inc., No. 2020-CV-072287 (Ga. Super. Ct. Bibb Cnty. Aug. 4, 2021) (Gary Mason appointed Class Counsel Apr. 21, 2021; data breach case involving 360,000 patients).

K.B. ex rel. Blank v. East Tenn. Children's Hosp. Assoc., Inc., No. C2LA0081 (Tenn. Cir. Ct. Anderson Cnty. Dec. 19, 2023) (Mason LLP appointed Class Counsel July 7, 2023).

Kemp v. NorthStar Emerg. Med. Servs., Inc., No. 63-CV-2023-900249.00 (Ala. Cir. Ct. Tuscaloosa Cnty. June 5, 2024) (Mason LLP appointed Class Counsel Feb. 16, 2024).

Kenney v. Centerstone of America, Inc., No. 3:20-cv-01007 (M.D. Tenn. Aug. 2021) (appointed Class Counsel May 7, 2021; settlement involving over 63,000 class members).

Klemm v. Md. Health Enters. Inc., No. C-03-CV-20-022899 (Md. Cir. Ct. Balto. Cnty. Dec. 2, 2021) (appointed Class Counsel Aug. 12, 2021).

Krenk v. Murfreesboro Med. Clinic & SurgiCenter, No. 75CCI-2023-CV-81005 (Tenn. 16th Jud. Dist. Cir. Ct. Rutherford Cnty.) (Danielle Perry appointed to Plaintiffs' Executive Counsel Committee Sept. 19, 2023).

Lawless v. D.C. Health Benefit Exchange Auth., No. 2023-CAB-001569 (D.C. Super. Ct.) (Gary Mason appointed Co-Lead Counsel July 13, 2023; preliminary approval granted Nov. 13, 2024).

Lee v. Tex. Ear, Nose & Throat Specialists, PLLC, No. 202184322 (Tex. 113th Jud. Dist. Ct. Harris Cnty. Dec. 7, 2023) (Gary Mason and Danielle Perry appointed Class Counsel June 7, 2023).

Martinez v. NCH Healthcare Sys., Inc., No. 2020-CA-000996 (Fla. 20th Jud. Cir. Ct. Collier Cnty. Oct. 5, 2021) (appointed Class Counsel June 21, 2021).

Morales v. Cano Health LLC, No. 2020-013998-CA-01 (Fla. 11th Jud. Cir. Ct. Miami-Dade Cnty. Nov. 16, 2021) (appointed Class Counsel Aug. 19, 2021).

Mowery v. Saint Francis Healthcare Sys., No. 1:20-cv-00013-SRC (E.D. Mo. Dec. 2020) (Gary Mason appointed Class Counsel Aug. 17, 2020).

Nelson v. Idaho Cent. Credit Union, No. CV03-20-00831 (Idaho 6th Jud. Dist. Ct. Bannock Cnty. June 1, 2021) (appointed Class Counsel Jan. 19, 2021).

Nierman v. Schneck Med. Ctr., No. 36D01-2206-CT-000013 (Ind. Super. Ct. Jackson Cnty. Aug. 23, 2023) (Gary Mason appointed Co-Lead Counsel Aug. 18, 2022).

North v. Hunt Mem'l Hosp. Dist., No. 89642 (Tex. 196th Jud. Dist. Ct. Hunt Cnty. Dec. 17, 2021) (appointed Class Counsel Apr. 26, 2021).

Pascute v. Amotec, Inc., No. CV23975539 (Ohio C.P. Ct. Cuyahoga Cnty. Feb. 22, 2024) (Danielle Perry appointed Class Counsel Nov. 3, 2023).

Payton v. Fam. Vision of Anderson, P.A., No. 2023CP0401636 (S.C. Ct. C.P. Anderson Cnty.) (Danielle Perry appointed Co-Lead Counsel Sept. 11, 2023).

Pessia v. Warren Gen. Hosp., No. 501 (Pa. 37th Jud. Dist. Ct. Warren Cnty.) (Danielle Perry appointed Co-Lead Class Counsel Jan. 29, 2024).

Phillips v. Bay Bridge Admins., LLC, No. 1:23-cv-00022 (W.D. Tex. July 30, 2024) (Gary Mason appointed to Plaintiffs' Interim Executive Committee Apr. 24, 2023).

Rasmussen v. Uintah Basin Healthcare, No. 2:23-cv-00322 (D. Utah) (Danielle Perry appointed Co-Lead Counsel June 16, 2023).

Richardson v. Overlake Hosp. Med. Ctr., No. 20-2-07460-8 SEA (Wash. Super. Ct. King Cnty. Sept. 10, 2021) (Danielle Perry appointed Class Counsel June 11, 2021; data breach class action involving approximately 109,000 individuals).

Rodriguez v. Mena Reg'l Health Sys., No. 2:23-cv-02002 (W.D. Ark.) (Danielle Perry appointed Co-Lead Counsel Apr. 20, 2023; preliminary approval granted Feb. 12, 2025).

Rohrer v. Oak Valley Hosp. Dist., No. CV-23-005612 (Cal. Super. Ct. Stanislaus Cnty. Dec. 20, 2024) (Danielle Perry appointed Co-Lead Counsel Nov. 14, 2023).

Sharber v. FMC Servs., LLC, No. 111219-D-CV (Tex. 320th Jud. Dist. Ct. Potter Cnty.) (Gary Mason appointed Co-Lead Counsel Nov. 16, 2022).

Sides v. Sheffield Grp., Inc., No. 01-CV-2024-900745.00 (Ala. Cir. Ct. Jefferson Cnty. Jan. 22, 2025) (Mason LLP appointed Class Counsel Oct. 7, 2024).

Stinson v. Yum! Brands, Inc., No. 3:23-cv-00183 (W.D. Ky.) (Gary Mason appointed Co-Lead Counsel June 6, 2024).

T.K. ex rel. LeShore v. Bytedance Tech. Co., LTD., No. 1:19-cv-07915 (N.D. Ill. Mar. 25, 2022) (Gary Mason appointed Class Counsel Dec. 19, 2019; COPPA settlement against TikTok for \$1.1 million).

Togba v. Chemonics Int'l, Inc., No. 1:24-cv-03510 (D.D.C.) (Danielle Perry appointed Co-Lead Class Counsel Mar. 17, 2025).

Toussaint v. HanesBrands, Inc., No. 1:22-cv-00879 (M.D.N.C.) (Gary Mason appointed Class Counsel Nov. 5, 2024; preliminary approval granted Nov. 5, 2024).

Tucker v. Marietta Area Health Care, No. 2:22-cv-00184 (S.D. Ohio Dec. 7, 2023) (Gary Mason appointed Co-Lead Counsel Dec. 9, 2022).

Vasquez v. Our Lady of the Lake Univ. of San Antonio, No. 2023CI07981 (Tex. 73d Jud. Dist. Ct. Brexar Cnty. Nov. 1, 2024) (Gary Mason appointed Class Counsel July 11, 2024).

Watkins-Fields v. SSS Educ., Inc., No. 2:23-cv-23154 (D.N.J. Sept. 12, 2024) (Gary Mason appointed Co-Lead Counsel June 27, 2024).

Woods v. Albany ENT & Allergy Servs., P.C., No. 904730-23 (N.Y. Sup. Ct. Albany Cnty. Oct. 11, 2024) (Danielle Perry appointed Co-Lead Counsel July 10, 2023).